

**Town of Hampton  
Annual Town Meeting  
January 31, 2009  
Results of Balloting  
March 10, 2009**

Moderator Robert Casassa opened the Deliberative Session of the Hampton Town Meeting at 8:45 a.m. on January 31, 2009 in the Winnacunnet High School Community Auditorium.

Moderator Robert Casassa welcomed everyone to deliberative session and announced that the warrant had been posted.

Moderator Robert Casassa introduced Rick Neville, President, Rotary Club of Hampton, (celebrating their 40<sup>th</sup> Anniversary this year) who led the group in the pledge of allegiance.

The Moderator introduced the town officials: Selectmen Chairperson James Workman, William Lally, Richard Griffin, Richard Nichols, and Richard Bateman, Town Manager Fred Welch, Town Attorney Mark Gearreald, Town Clerk Jane Cypher, Deputy Town Clerk Shirley Doheny, Administrative Assistant Kristina Ostman, Finance Director Michael Schwotzer, Budget Committee Chairperson Mary Louise Woolsey, Supervisors of the Checklist Arleen Andreozzi, Davina Larivee and Barbara Renaud. Assisting the Supervisors are Dona Janetos, Teresa Ryan, and Martha Williams.

The Moderator advised if you intend to vote today you must check in with the Supervisors of the Checklist and obtain your voting card.

Assisting the Moderator are Denis Kilroy, Darold Mosher, Nathan Page, Glyn Eastman, Howard Stiles, and Nancy Stiles. Breakfast is served in the entry way. Lunch will also be served in the entry way by Laurie Sullivan to benefit the WHS Girls Basketball Team.

The Moderator advised we will be voting on March 10 at WHS Gymnasium. This is a change in venue from previous years at Marston School.

Robert Casassa gave the rules of the deliberative session and gave information regarding exits and fire codes.

Moved by Rick Griffin Seconded by William Lally to allow out of town residents to speak (Fred Welch, Town Manager; Mark Gearreald, Town Attorney; Kevin Schultz, Building Inspector; Mike Schwotzer, Finance Director; Dyana Martin, Recreation and Parks Director; Bob Estey, Assessor; Jamie Steffen, Planner; Kristina Ostman, Administrative Assistant, John Price, Public Works Director; Steven Benotti, Deputy Fire Chief). Motion passed.

*Pursuant to Supreme Court Ruling, the names on the ballot are listed as determined by a drawing on the day of the first session.*

### Article 1

To choose by non-partisan Ballot: Two (2) Selectman for a 3-year term; One (1) Tax Collector for a 3-year term; Two (2) Trustee of the Trust Funds for a 3-year term; Two (2) Library Trustees for a 3-year term; Two (2) Planning Board Members for a 3-year term; One (1) Cemetery Trustee for a 3-year term; Four (4) Budget Committee Members for a 3-year term; Two (2) Zoning Board Members for a 3-year term.

### **SELECTMEN**

John Jack Lessard - 949  
Virginia Bridle - 723  
**Gerald Znoj – 1264\***  
**William Lally – 1393\***  
Eileen Latimer - 624

### **TAX COLLECTOR**

**Donna Bennett – 1703\***  
Bennett F. Moore – 756

### **TRUSTEE OF THE TRUST FUND**

Frances A Quinn - 996  
**Edward “Sandy” Buck – 1109\***  
**Norman Silberdick – 1271\***  
Edward Atwood - 540

### **LIBRARY TRUSTEE**

Peter Ginieres - 831  
**Richard J. Larkin – 976\***  
**Debra A Perry – 1476\***

### **PLANNING BOARD**

Bruce Eaton - 771  
Lawrence A Defranco, Jr. - 538  
**Mark Olson – 1072\***  
**James Tracy Emerick – 1167\***

### **CEMETERY TRUSTEE**

Susan W. Erwin - 918  
**Thomas F. Harrington – 1139\***

## **BUDGET COMMITTEE**

Sunny Kravitz - 1012

**Patrick J. Collins – 1382\***

**Richard E. Reniere – 1285\***

**Brian W. Lapham – 1078\***

**Michael Plouffe – 1429\***

## **ZONING BOARD**

**R. Vic Lessard – 1691\***

**William “Bill” O’Brien – 1711\***

### Article 2

Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Hampton Zoning Ordinance as follows:

Amend Article XVII to add a new article entitled Small Wind Energy Systems with associated zoning requirements to comply with new RSA 674:62-66 and to renumber the articles that follow accordingly?

**Recommended by the Planning Board**

Moved by Mary Louise Woolsey, seconded by Plouffe to open Article 2 for discussion.

Tracy Emerick, Chairperson of the Planning Board, gave an overview of the intentions of Article 2. He advised the entire body of this and each amendment is available at the Town Office and is publicly posted out in the foyer. He advised that Article 2 has to primarily do with windmills.

Ann Carnaby, Hampton Energy Commission Chair, spoke in favor of Article 2.

No further discussion. The article will be on the ballot as written.

### **Results of Balloting on March 10, 2009**

**Yes 2168**

No 427

**The article passed.**

### Article 3

Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Hampton Zoning Ordinance as follows:

Amend Article XVIII to add a new article entitled Solar Panels with associated zoning requirements to allow for their installation with appropriate safeguards and with due consideration to visual appearance and to renumber the articles that follow accordingly?

**Recommended by the Planning Board**

Moved by Mary Louise Woolsey, seconded by Mike Plouffe to open Article 3 for discussion.

Tracy Emerick gave an overview of Article #3, advising it has to do with the aesthetics of solar panels.

Ann Carnaby spoke in favor of Article 3.

Art Gopalan – 20 Windmill Lane – spoke against Article 3 and asked if neighbors will have to remove trees to allow for solar panels to operate properly. He also asked about liability.

No further discussion. The article will be on the ballot as written.

**Results of Balloting on March 10, 2009**

**Yes 2158**

No 437

**The article passed.**

Article 4

Are you in favor of the adoption of Amendment No. 3, as proposed by the Planning Board, for the Hampton Zoning Ordinance as follows:

Amend Article II, Section 2.4 (Special Flood Area) and Article XI, Section 11.6 (Floodplain Development Regulations) to comply with requirements of the National Flood Insurance Program?

**Recommended by the Planning Board**

Moved by Mary Louise Woolsey, seconded by Mike Plouffe to open Article 4 for discussion.

Tracy Emerick gave an overview of Article #4 and advised it is relevant to the National Flood Plain program, and encouraged voters to support it.

No further discussion. The article will be on the ballot as written.

**Results of Balloting on March 10, 2009**

**Yes 2252**

No 351

**The article passed.**

Article 5

Are you in favor of the adoption of Amendment No. 4, as proposed by the Planning Board, for the Hampton Zoning Ordinance as follows:

Amend Article VIII, Section 8.2.3, to change the multi-family dwelling setback in all zones from 40 feet to 20 feet?

**Recommended by the Planning Board**

Moved by Victor DeMarco, seconded by Mary Louise Woolsey to open Article 5 for discussion.

Tracy Emerick gave an overview of Article #5 and advised its purpose is to change setbacks.

Arthur Moody advised that the entire ordinances are not in the planning board minutes and spoke against Article #5.

Mary Louise Woolsey spoke against Article #5.

Tracy Emerick commented on Mr. Moody's assertion that the amendments are not in the minutes, when indeed they are.

No further discussion. The article will be on the ballot as written.

The Moderator advised that the RSA does permit the town to summarize zoning articles on the warrant. He also advised it is very important this year to educate yourselves on these articles.

#### **Results of Balloting on March 10, 2009**

Yes 872

No 1710

**The article failed.**

#### Article 6

Are you in favor of the adoption of Amendment No. 5, as proposed by the Planning Board, and recommended by the Hampton Conservation Commission, for the Hampton Zoning Ordinance as follows:

Amend Article II, Section 2.3.2 (Wetlands Conservation District, Definitions and Delineations) to add a new subpart F to designate the Hampton Salt Marsh Complex as a "prime wetland" in accordance with RSA 482-A:15 and Department of Environmental Services regulations?

The purpose of this amendment is to afford the Hampton Salt Marsh Complex the additional protections under State law that come with this designation.

#### **Recommended by the Planning Board**

Moved by Nathan Page, seconded by Mary Louise Woolsey to open Article for discussion.

Nathan Page – 200 Drakeside Road, and Vice Chairperson of the Conservation Commission, gave an overview of Article 6.

Tracy Emerick advised at the outset he was not in favor of Article #6. After review he advised he is in favor of Article 6.

No further discussion. The article will be on the ballot as written.

#### **Results of Balloting on March 10, 2009**

Yes 2248

No 365

**The article passed.**

#### Article 7

Are you in favor of the adoption of Amendment No. 6, as proposed by the Planning Board, for the Hampton Zoning Ordinance as follows:

Amend Article II, Section 2.3.2, A, 1 (Wetlands Conservation District, Definitions and Delineations) to add the Atlantic Ocean and Hampton Harbor and their associated tidal waters to the definition of “tidal wetlands”?

The purpose of this amendment is to clarify that these wetlands are included in the definition of Tidal Wetlands for purposes of the protections afforded by the Wetlands Conservation District.

#### **Recommended by the Planning Board**

Moved by Mary Louise Woolsey, seconded by Nathan Page to open Article 7 for discussion.

Nathan Page gave an overview of Article #7 and spoke in its favor.

No further discussion. The article will be on the ballot as written.

#### **Results of Balloting on March 10, 2009**

**Yes 2269**

No 334

**The article passed.**

#### Article 8

Are you in favor of the adoption of Amendment No. 7, as proposed by the Planning Board, for the Hampton Zoning Ordinance as follows:

Amend Article XI, Section 11.2-b (Construction Provisions) to clarify that as mandated by State law (RSA 155-A:2), the provisions of the State Building Code and the State Fire Code shall govern the construction, design, structure, maintenance, and use of all buildings and structures to be erected and the alteration, renovation, rehabilitation, repair, maintenance, removal, or demolition of all buildings and structures previously erected?

#### **Recommended by the Planning Board**

Moved by Mary Louise Woolsey, seconded by Mike Plouffe to open Article 8 for discussion.

Tracy Emerick gave an overview of Article #7 and showed the audience the code books. He advised that the state mandates that the codes must be followed regardless of whether or not the town passes the ordinance amendments.

Arthur Moody advised that “recommended by planning board” is not covered in the planning board minutes. He advised he was not referring earlier to the summarizing on the warrant.

Tracy Emerick advised that they were available at the public hearing.

Arthur Moody advised they were not available before the public hearing. They were available at the second public hearing.

No further discussion. The article will be on the ballot as written.

The Moderator advised that hearing assisted equipment is available.

### **Results of Balloting on March 10, 2009**

**Yes 1408**

No 1175

**The article passed.**

### Article 9

Are you in favor of the adoption of Amendment No. 8, as petitioned, for the Hampton Zoning Ordinance as follows:

Amend Article IV (Dimensional Requirements), Section 4.4 in the RA District to change the maximum number of stories/ft (height) to 2 stories or 32 feet from 3 stories or 35 feet, for properties in a particular portion of one of the RA Zones?

**Not recommended by the Planning Board**

Moved by Mary Louise Woolsey, seconded by Mike Plouffe to open Article 9 for discussion.

Sandy Buck – 5 Tobey St – offered “strong” opposition to Article 9. He offered an amendment. The Moderator deferred to the town attorney. Mark Gearreald advised that RSA 675:4 requires a specific time frame for when amendments to zoning articles can be made. He advised that this body cannot amend zoning articles. He believes that state law does not allow for amendments to petitioned zoning articles.

Mary Louise Woolsey asked if it is a case where petitioners are putting a petition in with good faith, but were unaware that it is not permissible/enforceable? William Lally advised that the planning board spoke with the petitioners and that the petitioners disagreed and stated that it is enforceable.

Mark Gearreald was asked by The Moderator if it had ever happened before to which he advised, not to his knowledge.

Fred Rice advised he thought it was a planning board article (he had no idea it was a petitioned article). He was advised by The Moderator that the article clearly stated “as petitioned...”

Tracy Emerick advised that the petitioner is a condo association on corner of Kings Highway and High St. He advised they are asking to have the section of Kings Highway to have the stories limit down to 32 ft from 35 ft. He advised that the petitioners could purchase the property between them and the ocean, or buy the air rights between them and the ocean. People who have the property in front have the right to build on their property. He advised the planning board is against Article 9.

Arthur Moody advised that people reading the ballot will wonder if it is their RA Zone in question. He advised that the planning board has no right to change the partitioned article. He advised he is outraged that the planning board changed it after the public hearing.

No further discussion. The article will be on the ballot as written.

### **Results of Balloting on March 10, 2009**

Yes 552

**No 2022**

**The article failed.**

### Article 10

Shall the Town of Hampton vote to raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth in the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$25,856,785. Should this article be defeated, the operating budget shall be \$25,553,963 which is the same as last year, with certain adjustments required by previous action of the Town Meeting or by law, or the governing body may hold one special town meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. Provided, however, that if Chapter 300, Sections 33 and 34 of the Laws of 2008 as to the State Retirement System “spiking charge” are repealed or amended, then both of the foregoing figures shall automatically be reduced either by the sum of \$650,203 in the event of a repeal, or by whatever sum results from the enactment of an amendment? (Majority vote required)

#### **Recommended by the Board of Selectmen**

#### **Recommended by the Budget Committee**

NOTE: This warrant article (Operating Budget) does not include appropriations proposed in ANY other warrant article.

Fiscal Impact Note (Finance Dept.): The proposed operating budget figure of \$25,856,785 is \$1,183,907 more than the budget amount adopted in 2008. The estimated 2009 tax rate impact of the proposed operating budget is \$0.391 per \$1,000 valuation (thirty-nine point one cents per thousand dollars of valuation). The default budget figure of \$25,553,963 is \$881,085 more than the budget amount adopted in 2008. The estimated 2009 tax rate impact for the default budget is \$0.291 per \$1,000 valuation (twenty-nine point one cents per thousand dollars of valuation).

Moved by William Lally, seconded by Mike Plouffe to open Article 10 for discussion.

Mary Louise Woolsey advised after four years the Budget Committee and Selectmen came together and advised the Department Heads and Town Manager worked very hard to put the budget together this year. She spoke in favor of Article 10 and shared a newspaper article regarding budget cuts and layoffs across the country.

Art Gopalan – 10 Windmill Lane – Made a motion to amend the budget amount from \$25,856,785 to \$24,672,878, seconded by Bonnie Searle. Per Mr. Gopalan, the proposed amendment is neither an increase nor decrease from 2008. Mr. Gopalan spoke to support his



amendment giving examples of cutbacks across the state including cutbacks by Governor Lynch. He advised that the town taxpayers are not in a position to take such an increase.

Bonnie Searle – 16 Penniman Lane – offered a petition with 5 signatures of attending voters for a yes/no secret ballot on the Gopalan amendment.

Larry Stuker – thanked Mr. Gopalan for his words and advised the budget process takes a long time. He advised the board voted unanimously to support the budget, which was proposed by the department heads. He asked for support of the budget as written.

Fred Rice – 15 Heather Lane – echoed Mr. Stuker’s comments regarding the process. He advised from year to year, the costs of doing business go up. He advised we should use some judgment and take the recommendation of the people we have elected to do the job. Mr. Rice “strongly” urged the body to vote against the Gopalan amendment.

Rusty Bridle – 225 Towle Farm Road – Advised that he is opposed to the Gopalan amendment. Asked the body to look at how their own personal costs have gone up.

Mark McFarlin - 3 Warner Lane – Echoed Mr. Stuker & Mr. Rice. He proposed that we reject the amendment unless Mr. Gopalan can support where that money should come from. We should give our faith to the Budget Committee and urged that we vote No on the amendment.

Michael Schwotzer, Finance Director – advised the current budget allows for the \$650,000 spike charge. If the amendment passes, the \$650,000 would not appear in the budget, which in turn would create a 2.6% cut in the budget.

Eileen Latimer – 251 Mill Rd – and member of the Budget Committee – spoke about “wants and needs” and advised that a number of years ago we gave up the wants and got down to hard numbers in needs. She advised we are “creating our own financial catastrophes.” Eventually they will catch up with us and then they will cost us more. She advised this budget is very responsible and very keenly scrutinized.

John Nyhan – 4 Penniman Lane – Advised he became an active resident in 2003 and began emotionally advocating the budget. He advised that he lost that election and began to pay more attention by watching Ch 22 regularly. He advised that we put our trust in elected officials, we might not always agree, but when the Selectmen and the Budget Committee concur, we should support the decision. He advised that he is against the Gopalan amendment.

The Moderator took a hand vote of whether the body would like to take a secret vote on the Gopalan amendment. Motion passed. He advised that a Yes vote would reduce the budget to \$24,672,878. A No vote would set us back to the number printed in Article #10.

The secret vote took place. Gopalan amendment failed 33 Yes to 72 No (with one blank).

Arthur Moody advised everything under the recommendations are longer than the article itself. He questioned why the language is in the body of the article starting with “provided by”.

No further discussion. The article will be on the ballot as written.

Mary Louise Woolsey made a motion to restrict reconsideration of Articles 1-10, seconded by Sandy Buck. Motion passed.

### **Results of Balloting on March 10, 2009**

Yes 1156

No 1500

**The article failed.**

#### Article 11

Shall the Town of Hampton vote to modify the elderly exemptions from property tax in the Town of Hampton, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years of age, \$120,000 [from \$82,000]; for a person 75 years of age up to 80 years of age, \$150,000 [from \$115,000]; for a person 80 years of age or older, \$165,000 [from \$147,000]. To qualify, the person must have been a New Hampshire resident for at least 5 years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married for at least 5 years. In addition, the taxpayer must have a net income of not more than \$38,000 [from \$30,000], or, if married, a combined net income of less than \$58,000 [from \$50,000] and own net assets not in excess of \$250,000, excluding the value of the taxpayer's residence, whether single [from \$95,000] or married [from \$145,000]? (Majority vote required)

**Recommended by the Board of Selectmen**

**Recommended by the Budget Committee**

Fiscal Impact Note (Finance Dept.): The estimated 2009 tax rate impact is \$0.030 per \$1,000 valuation (three cents per thousand dollars of valuation).

Moved by James Workman, seconded by Rick Griffin to open Article 11 for discussion.

James Workman gave an overview of Article #11. He advised it was an attempt to modify the exemptions to bring them within current numbers in the region.

Motion by Joyce Sheehan, seconded by Victor DeMarco to amend Article 11 to increase the 80+ year from \$165,000 to \$178,000.

Vote taken. Sheehan Amendment passed.

Motion by Rick Griffin, seconded by William Lally to amend Line 6 of Article 11 to change the residency requirement from 5 years to 3 years per RSA.

Sandy Buck asked what RSA he was referring to. William Lally advised the RSA is 72:39-a.

Griffin amendment passed.

Arthur Moody asked if changes need to be made to fiscal note as a result. Michael Schwotzer advised there are not enough people receiving the exemption to change the number.

No further discussion. The article will be on the ballot as amended.

**Results of Balloting on March 10, 2009**

**Yes 2329**

No 381

**The article passed.**

Article 12

Shall the Town of Hampton vote to raise and appropriate the sum of \$69,321 to fund the cost items relating to the Teamsters, Local 633, salaries and benefits for 2009? Such sum represents the additional salaries and benefits (over the 2008 budget level) for the first of the two years that are contained in a collective bargaining agreement between the Town of Hampton by its Board of Selectmen and the Teamsters (Clerical, PW Foremen, PD Dispatchers), pursuant to N.H. RSA 273-A? (Majority vote required)

**Recommended by the Board of Selectmen**

**Recommended by the Budget Committee**

Note: The above agreement is for the years 2009 and, 2010. The additional amounts necessary to fund the cost items for the following year are:

2010: \$92,489 [representing a differential of \$23,168 over the 2009 budget level].

The total additional cost of the agreement for salaries and benefits over the 2008 budget level for the two years is \$161, 810.

The estimated future cost of the automatic renewal (evergreen clause) mandated by law to be part of this collective bargaining agreement (CBA) is as follows: this CBA contains 6 steps of salary increases with the first increase occurring at the 5th year and the last increase occurring at the 25th year. Assuming that the current pool of unit members remains constant until all members attain the last step, over 22 years the total increase in salary and payroll benefits would amount to \$1,837,826 or an average of \$83,538 for each of these 22 years. If the pool of unit members changes through retirement, attrition, etc., then the estimated grand total and yearly average will be lower.

Fiscal Impact Note (Finance Dept.): The estimated 2009 tax rate impact is \$0.023 per \$1,000 valuation (two point three cents per thousand dollars of valuation).

Moved by William Lally, seconded by James Workman to open Article 12 for discussion.

William Lally gave an overview of Article 12 and advised that evergreen clause effects must be clearly stated to the body on the warrant.

Donna Bennett – 262A Towle Farm Road – Deputy Tax Collector – member of Teamsters Union  
- Spoke in support of Article 12.

Art Gopalan – 20 Windmill Lane – asked about the meaning of the evergreen clause and its impact in terms of automatic pay raises as contained in this article.

Mark Gearreald advised July 15, 2008 legislature passed a mandatory automatic renewal clause. When a contract expires, step increases will continue forward. This does not include the raises, only the step increases.

Art Gopalan asked for confirmation on the need for bargaining after a contract expires. He advised he feels the need for bargaining diminishes.

Mark Gearreald advised it only includes step increases. He stated that the Town is required to give you the impact of this contract should no contract be passed in the future. He advised that a different schedule of step increases could pass in future negotiations.

William Lally advised that everything in a contract is negotiable.

Fred Rice – 15 Heather Lane - \$1.8m has a jaw dropping impact. This is the utmost situation if every person in the union stayed for the next 22 years. He asked how many people are in this union, and what is the history, as far as how many people stay through to the top step.

William Lally advised that this is a worst case scenario.

Richard Nichols advised that the supreme court advised that the public has to be warned of the expense of the decision. When an employee leaves and someone comes in to replace them, the new employee starts out at the bottom step which would lower the expense as indicated in the article.

Fred Rice advised the longer someone stays here the higher their pay becomes. He asked if we have anything that puts that \$1.8m into more tangible terms?

Richard Nichols stated it depends on the contract. He advised there are not that many steps in the Teamsters contract. It can't be simply clarified without being able to see into the future. He also advised that Michael Schwotzer did a great job of accurately representing the figures as best as he could in keeping with the Alton decision.

Fred Rice asked if Michael Schwotzer has any input. Michael Schwotzer advised he figured the amounts person by person. He advised he took worst case and went out 22 years.

Victor DeMarco – 11 Milbern Ave – Stated he does not believe there has been any adjustments in the step increases since 1975. The Evergreen Clause says that the contracts will stay in existence until they change. The evergreen clause now has to be articulated as to the cost of each step. He advised that he believes that Richard Nichols made some incorrect statements. He advised that the Evergreen Clause is a statement, not a warning to the voters. Secondly, the statement that if someone were to leave at the 22<sup>nd</sup> year it would be an increase. This would actually be a reduction of the evergreen effect. Replacements come in to the beginning starting wage, at a much lower rate.

Richard Nichols advised the term “warning” is actually the language given in the Alton decision.

Mark Gearreald advised that before the legislature passed the auto renewal language that is required in all new contracts, there was a status quo doctrine. That would not include step increases or raises. The new legislation allows for the step increases.

Gerald Znoj – stated the steps recognize seniority, is there any recognition for merit?

William Lally advised there is no recognition for merit.

No further discussion. The article will be on the ballot as written.

Moved by Richard Bateman, seconded by James Workman to restrict reconsideration of Articles 11 & 12. Motion passed.

### **Results of Balloting on March 10, 2009**

Yes 925

No 1758

**The article failed.**

### Article 13

Shall the Town of Hampton vote to raise and appropriate the sum of \$23,554 to fund the cost items relating to the Hampton Police Association (Sergeants), salaries and benefits for 2009? Such sum represents the additional salaries and benefits (over the 2008 budget level) for the one year that is contained in a collective bargaining agreement between the Town of Hampton by its Board of Selectmen and the Hampton Police Association (Sergeants), pursuant to N.H. RSA 273-A? (Majority vote required)

#### **Recommended by the Board of Selectmen**

#### **Recommended by the Budget Committee**

The estimated future cost of the automatic renewal (evergreen clause) mandated by law to be part of this collective bargaining agreement (CBA) is as follows: this CBA contains 4 steps of salary increases with the first increase occurring at the 4th year and the last increase occurring at the 12th year. Assuming that the current pool of unit members remains constant until all members attain the last step, over 10 years the total increase in salary and payroll benefits would amount to \$173,865 or an average of \$17,387 for each of these 10 years. If the pool of unit members changes through retirement, attrition, etc., then the estimated grand total and yearly average will be lower.

Fiscal Impact Note (Finance Dept.): The estimated 2009 tax rate impact is \$0.008 per \$1,000 valuation (zero point eight cents per thousand dollars of valuation).

Moved by James Workman, seconded by William Lally to open Article 13 for discussion.

James Workman gave an overview of Article #13.

No further discussion. The article will be on the ballot as written.

Moved by Mary Louise Woolsey, seconded by Richard Bateman to restrict reconsideration of Article 13. Motion passed.

## **Results of Balloting on March 10, 2009**

Yes 971

No 1732

**The article failed.**

### Article 14

Shall the Town of Hampton vote to raise and appropriate the sum of \$144,187 to fund the cost items relating to the Hampton Police Association, salaries and benefits for 2009? Such sum represents the additional salaries and benefits (over the 2008 budget level) for the one year that is contained in a collective bargaining agreement between the Town of Hampton by its Board of Selectmen and the Hampton Police Association, pursuant to N.H. RSA 273-A? (Majority vote required)

#### **Board of Selectmen's vote on recommending was 2-2-1**

##### **Recommended by the Budget Committee**

The estimated future cost of the automatic renewal (evergreen clause) mandated by law to be part of this collective bargaining agreement (CBA) is as follows: this CBA contains 7 steps of salary increases with the first increase occurring at the first year and the last increase occurring at the 15th year. Assuming that the current pool of unit members remains constant until all members attain the last step, over 14 years the total increase in salary and payroll benefits would amount to \$2,188,764 or an average of \$156,340 for each of these 14 years. If the pool of unit members changes through retirement, attrition, etc., then the estimated grand total and yearly average will be lower.

Fiscal Impact Note (Finance Dept.): The estimated 2009 tax rate impact is \$0.048 per \$1,000 valuation (four point eight cents per thousand dollars of valuation).

Moved by Mary Louise Woolsey, seconded by James Workman, to open Article 14 for discussion.

Mary Louise Woolsey advised the recommendation/not recommended should include a statement to the governing body. Stated the Selectmen are in breach of their duties in not listing a recommendation for or against.

The Moderator asked if Mary Louise Woolsey's concern is that the 2-2-1 is a vote not to recommend. He asked if her question is that Selectmen have an obligation to recommend a vote, not to show the 2-2-1. Mrs. Woolsey asked for her comments to become a part of the official record, and are hereto attached.

Mrs. Woolsey stated that the wording of the non-action taken by the Board of Selectmen is inappropriate to appear on the warrant. The direction of the statute is clear, to either recommend or not recommend, not to present the vote. She stated that a clear recommendation is required by the statute.

William Lally advised that when the statute was written he doesn't know if it was taken into account that a member of the Board of Selectmen is a member of the union in question and the

possibility of a tie vote. This was a tie vote in his opinion. He advised he takes exception with votes that are taken in town that if the outcome of the vote isn't liked by someone then there will be problems with it. He then stated that he respects the votes that were given.

Mary Louise Woolsey – advised that none of us were forced to run for office. She stated that when we are elected we are obligated to follow the law. Statute mandates the Board of Selectmen shall make a recommendation and that they should follow what is for the good of the town.

Sandy Buck – 5 Tobey St – advised that the union came through in good faith and negotiated with the town. Spoke in favor of Article 14

Larry Stuker – stated both parties came to the table in good faith. He spoke in favor of Article #14.

William Lally – advised that he believed Larry Stuker stated that “we voted not to recommend...not true, the Board of Selectmen voted neither way.”

Brian Warburton – spoke in favor of Article #14 and concurred with Mary Louise Woolsey. He stated we spent \$80,000 to have a contract to come before voters to show 2-2-1 vote – it is a no vote...not to recommend. That needs to be noted. He state we used to have 6 contracts or none. Never 3 out of 6. He asked what has happened to the unity in town?

Fred Rice – Advised that it takes a majority to pass a motion. If the motion does not receive a majority, it fails. There is no such thing as a tie. He stated a clear vote should be yes or no. He advised the tie represents a “not recommended” vote. He recommended to the moderator that we take a brief recess for the Board of Selectmen to caucus to reconsider their recommendation.

Victor DeMarco – 11 Milbern Ave – attempted to explain the process of negotiations. He advised the Board of Selectmen should have given the collective bargaining unit an opportunity to go back to the unit to reconsider their vote as well once the Board of Selectmen vote changed after the fact.

The Moderator advised that the Winnacunnet High School Girls Basketball team is providing lunch as a fundraiser.

Eileen Latimer – Asked voters to focus on what we are voting on with this article.

The Moderator asked for the body to stay on track regarding Article 14. He asked Eileen Latimer to state her support or non support of Article 14. Eileen Latimer stated she believes we are going to make a mess of this article if we don't take care of the housekeeping issues that are before us.

Jamie Sullivan, Police Chief stated it boils down to this question – Do you believe that the members of this union deserve a 2% cola? He spoke in support of Article 14.

The Moderator offered a vote to cease discussion Article 14 – No further discussion. The article will be on the ballot as written.

Lunch break from 12:05 – 12:45 pm.

Moved by Sandy Buck Seconded by James Workman to restrict reconsideration of Article 14.  
Motion passed.

**Results of Balloting on March 10, 2009**

Yes 890

**No 1798**

**The article failed.**

Article 15

Shall the Town of Hampton vote to raise and appropriate the sum of \$177,000, representing the balance remaining to be appropriated from the special revenue fund created by Article 41 of the 1996 Town meeting for the purpose of Town-owned infrastructure within the Hampton Village District boundaries but rescinded by Article 45 of the March 13, 2007 Town meeting, for the purpose of installing new decorative lighting at Hampton Beach on the lettered streets beginning at A Street, including all engineering, design, procurement, shipping, delivery, and installation costs, together with all related appurtenances and activities necessary or desirable to complete the purpose of this article? (Majority vote required)

**Recommended by the Board of Selectmen**

**Recommended by the Budget Committee**

This infrastructure item has been duly determined by the Precinct Commissioners, Public Works Director and the Town Manager on October 16, 2008. This will be Town owned infrastructure. Adoption of this article will have no effect on the Town's tax rate.

Moved by Rick Griffin, seconded by Richard Bateman to open Article 15 for discussion.

Rick Griffin gave an overview of Article 15.

Arthur Moody advised that this is a village district want/need and that the Town has no control over the village district. He stated the town committee had no jurisdiction. He questioned whether the committee meeting held on 10/16/08 was illegal?

No further discussion. The article will be on the ballot as written.

**Results of Balloting on March 10, 2009**

Yes 1152

**No 1485**

**The article failed.**



Article 16

Shall the Town of Hampton vote to raise and appropriate the sum of \$38,650 generated from the sale of Town owned-cemetery lots, to the Cemetery Burial Trust Fund; the interest from this Fund is withdrawn annually and deposited in the Town's General Fund as an offset to the amount appropriated in the operating budget for the maintenance of cemeteries? (Majority vote required)

**Recommended by the Board of Selectmen**

**Recommended by the Budget Committee**

Adoption of this article will have no effect on the Town's tax rate.

Moved by Mary Louise Woolsey, seconded by Richard Bateman to open Article 16 for discussion.

Richard Bateman advised this is a housekeeping issue.

No further discussion. The article will be on the ballot as written.

**Results of Balloting on March 10, 2009**

**Yes 2377**

No 277

**The article passed.**

Article 17

Shall the Town of Hampton vote to raise and appropriate the sum of \$100,000 from revenues generated from the Hampton Cable TV Origination Fund, a special revenue created by Article 21 of the 2000 Town Meeting and funded by revenues generated from the Cable TV local origination franchise agreement fund, to upgrade, expand, and enhance the development of the local origination channel(s)? (Majority vote required)

**Recommended by the Board of Selectmen**

**Recommended by the Budget Committee**

Adoption of this article will have no effect on the Town's tax rate.

Moved by Richard Bateman, seconded by Richard Nichols to open Article 17 for discussion.

Richard Bateman advised this is a housekeeping issue to benefit the citizens of Hampton.

Art Gopalan – 20 Windmill Lane – Asked what happens to the fund if Article 17 fails?

Richard Bateman advised that the funding arrives through the HCTV Origination Fund, if funds are not withdrawn, they will remain within the fund. If they are not withdrawn, they will not be able to enhance the purpose of the committee and to upgrade equipment.

Michael Schwotzer believes that “raise and appropriate” needs to be used in order to spend any monies from the fund per DRA. He advised it would basically shut down Channel 22 down if it fails.

James Workman stated funds are set up to go to a particular purpose and that the money cannot spill over to the general fund. The funds must be spent for that specific purpose, i.e. to run the Cable TV.

Ann Kaiser – 7 Palmer St – asked for clarification, in years’ past, when monies did not have to be raised, it used to just say “appropriate,” now the law states it must say “raise and appropriate.”

No further discussion. The article will be on the ballot as written.

### **Results of Balloting on March 10, 2009**

**Yes 2184**

No 443

**The article passed.**

### Article 18

Shall the Town of Hampton vote to raise and appropriate the sum of \$72,000 for the purpose of building new basketball courts at Tuck Field, as determined by the Board of Selectmen, Town Manager, and Director of Public Works and to fund said appropriation by transferring \$72,000 from the Recreation Infrastructure Special Revenue Fund established under Article 44 of the 2007 Annual Town Meeting? (Majority vote required)

**Recommended by the Board of Selectmen**

**Recommended by the Budget Committee**

Adoption of this article will have no effect on the Town’s tax rate.

Moved by Rick Griffin, seconded by William Lally, to open Article 18 for discussion.

Rick Griffin advised this article is similar to Article 17, except that it is a recreation fund.

Dyana Martin – Recreation Director – stated last year there wasn’t enough in the warrant article to complete both tennis and basketball courts, so she opted to finish tennis courts. She advised she is asking for support on the basketball courts.

Glenn Ferrell – Whitten Ave – asked if the Special Revenue funds are able to bear interest?

Michael Schwotzer advised they go into the general funds and do not accumulate interest specifically, as they are a part of the larger pool.

No further discussion. The article will be on the ballot as written.

### **Results of Balloting on March 10, 2009**

**Yes 2132**

No 525

**The article passed.**

Article 19

Shall the Town of Hampton vote to raise and appropriate the sum of \$90,000 from revenues generated from the Police Forfeiture Fund, a special revenue fund created by Article 55 of the 2003 Town Meeting to carry out all lawful functions allowed under Federal, State and local criminal justice forfeiture programs? (Majority vote required)

**Recommended by the Board of Selectmen**

**Recommended by the Budget Committee**

Adoption of this article will have no effect on the Town's tax rate.

Moved by James Workman, seconded by Rick Griffin to open Article 19 for discussion.

James Workman advised that this is money that is raised through police activities and reallocated to offset related costs.

No further discussion. The article will be on the ballot as written.

**Results of Balloting on March 10, 2009**

**Yes 2162**

No 443

**The article passed.**

Article 20

Shall the Town of Hampton vote to raise and appropriate the sum of \$300,000 for the purpose of making road improvements, and authorize the withdrawal of \$300,000 from the Road Improvement Capital Reserve Fund created under Article 16 of the 1998 Annual Town Meeting created for this purpose and no amount to be raised from taxation, on Tobey Street, Gray Avenue, Carlson Road, Sanborn Road, Dearborn Avenue, Acorn Street, Smith Avenue, Dumas Avenue, Cliff Avenue, Sunsurf Avenue, Trafford Road, and Hurd Road, to include street repairs, reconstruction and associated materials and labor necessary to do the work, and also to include associated drainage system maintenance, upgrades and improvements, and to name the Selectmen as Agents for such fund in accordance with the provisions of RSA 35? (Majority vote required)

**Recommended by the Board of Selectmen**

**Recommended by the Budget Committee**

Adoption of this article will have no impact on the Town's tax rate.

Moved by Richard Bateman, seconded by William Lally, to open Article 20 for discussion.

Richard Bateman explained that this is a housekeeping item. He advised that funds will be withdrawn from the capital improvement funds.

Moved by Brian Warburton, seconded by James Workman to restrict reconsideration of Articles 15-19. Motion passed.

Brian Warburton advised he disagrees with Mr. Bateman and stated that we have had some contentious discussion regarding Article 20. He asked if we are only asking to withdraw \$300,000 or are we asking for an additional \$300,000?

Fred Welch advised the body that we did run the verbage through DRA, and they have indicated we must use the words “raise and appropriate”. He advised it is automatically restricted that monies must come from capital reserve and nowhere else.

Brian Warburton advised that the wording is very confusing to the average voter going into the voting booth. He advised he just wanted clarification for the voters.

Moved by Mary Louise Woolsey, seconded by Michael Pierce, to strike the last phrase starting with “and to name the Selectmen as agents as such funds in accordance with the provisions of RSA 35?”

Vote on Woolsey amendment – amendment passed.

Arthur Moody asked what is the balance of the road improvement capital reserve fund?

Fred Welch advised Michael Schwotzer is looking up the figure now. Fred Welch advised he believes it to be more than \$300,000.

Arthur Moody gave his opinion on the “raise and appropriate” verbage. Some roads that are on the list have not been done from previous years and having been voted in the affirmative.

The Moderator advised we will be voting at WHS Gymnasium on March 10 from 7 am to 8 pm and after a request from Bonnie Searle provided directions to the WHS gymnasium.

Fred Welch advised that according to the statement dated 12/31/07 from the trustees of the trust funds the balance is approximately \$340,000.

Art Gopalan followed up on the Arthur Moody question. If specific amounts are set aside, where do we find out the performance of what a warrant article achieved for that year? How do we find out that all roads were done and whether it cost more or less than the amount appropriated?

The Moderator asked the Town Manager how would voters know whether or not streets were done? The Town Manager advised that the Department of Public Works would be instructed to obtain public bids to do all streets listed, they would take bids and use the lowest bid, and they would do as many streets as the bid would allow. If there were any that were not done, it will be listed in the following town report in the trustees of the trust funds report.

Richard Nichols advised that the principal & interest as of 12/31/2008 per the Trustees of the Trust Fund is \$349,515.

Arthur Moody advised that was not much more than the 2007 figures.

Richard Nichols advised the question should be directed to the Trustees of the Trust Funds.

No further discussion. The article will be on the ballot as amended.

**Results of Balloting on March 10, 2009**

**Yes 2230**

No 406

**The article passed.**

Article 21

Shall the Town of Hampton vote to raise and appropriate the sum of \$223,000 for the purpose of constructing a salt storage shed at the Department of Public Works yard, including all engineering, design, procurement, construction, shipping, delivery, and training costs, together with all appurtenances necessary to complete the project? (Majority vote required)

**Recommended by the Board of Selectmen**

**Recommended by the Budget Committee**

Fiscal Impact Note (Finance Dept.): The estimated 2009 tax rate impact is \$0.074 per \$1,000 valuation (seven point four cents per thousand dollars of valuation).

Moved by William Lally, seconded by Jack Lessard, to open Article 21 for discussion.

William Lally gave an overview and spoke in favor of Article 21.

Sandy Buck spoke in favor of Article 21.

Vic Lessard – 100 Timber Swamp Rd – spoke in favor of Article 21.

Skip Webb – 11 Windmill Ln – spoke in favor of Article 21.

Gerald Znoj asked what will the shed look like, are there any specifics on the building, how the figure of \$225,000 came about.

John Price advised it was arrived by other communities' quotes received and from viewing other salt storage sheds.

Gerald Znoj asked how many tons could we purchase?

John Price advised that last year we used 1,800 ton, this year we are hoping for less. The salt storage shed will hold between 1,500 & 1,800 ton.

Gerald Znoj asked where will it be located?

John Price advised at the Department of Public Works where the sand pile is now next to the garage.

No further discussion. The article will be on the ballot as written.

Moved by Sandy Buck, seconded by James Workman, to restrict reconsideration of Articles 20-21. Motion passed.

**Results of Balloting on March 10, 2009**

Yes 850

No 1772

**The article failed.**

Article 22

Shall the Town of Hampton vote to raise and appropriate the sum of \$35,000 to be utilized for the purpose of modifications to the Town Office Building as to water use, appliances, lighting, electrical systems to make the building more energy and water usage efficient. This will be a non-lapsing account per RSA 32:7, VI and shall not lapse until the work is completed or two (2) years after March 10, 2009, whichever occurs first? (Majority vote required)

**Recommended by the Board of Selectmen**

**Recommended by the Budget Committee**

Fiscal Impact Note (Finance Dept.): The estimated 2009 tax rate impact is \$0.012 per \$1,000 valuation (one point two cents per thousand dollars of valuation).

Moved by Richard Bateman, seconded by William Lally, to open Article 22 for discussion.

Richard Bateman gave an overview of Article 22 and spoke in favor of the Article.

Fred Rice – 15 Heather Ln – stated \$35,000 is an inadequate amount of money to save money on the energy consumption of the building. Moved by Fred Rice to amend to change \$35,000 to \$100,000. No second. Motion failed.

Art Gopalan – 20 Windmill Ln – encouraged the town to make sure there is proper payback with the expenditure of this funding.

No further discussion. The article will be on the ballot as written.

**Results of Balloting on March 10, 2009**

**Yes 1856**

No 780

**The article passed.**

Article 23

Shall the Town of Hampton vote to authorize the Board of Selectmen to enter into long-term lease /purchase agreement in the total amount of \$576,360.00 payable over a term of 48 months at a rate of \$12,008.00 per month to purchase a Rescue/Pumper truck for the Hampton Fire Department and to raise and appropriate the sum of \$144,090.00 for the first

year's payment for this purpose in fiscal 2009. Such authorization shall include all engineering, design, procurement, construction, shipping, delivery, training, together with all related appurtenances and activities necessary or desirable to complete the purpose of this article. This lease agreement contains an escape clause? (Majority vote required)

**Recommended by the Board of Selectmen**

**Recommended by the Budget Committee**

Fiscal Impact Note (Finance Dept.): Passage of this article will mean that each succeeding year's payment will be included in that year's operating and default budget amounts. The first payment will be due upon delivery of the vehicle to the Town of Hampton. The estimated 2009 tax rate impact of the first payment is \$0.048 per \$1,000 valuation (four point eight cents per thousand dollars of valuation).

Moved by James Workman, seconded by Mary Louise Woolsey, to open Article 23 for discussion.

Christopher Silver – Fire Chief – 8 Reddington Landing – gave an overview of Article 23. He advised the Fire Department is looking to replace the 1988 pumper with this lease/purchase and advised they are maintaining what we are trying to replace through the CIP – and trying to find the funding with the least impact to the community.

Mary Louise Woolsey spoke in favor of Article 23.

Arthur Moody – asked about Engine-1 that will be put out of service, will it be traded in?

Christopher Silver advised that the vehicle we are replacing will be used as a direct sale or trade-in. He advised the trade-in value is extremely low, and that it may be to our advantage to sell it outright.

Arthur Moody asked if the financing/lease amount of 12 months of 2009 is accurate as the vote will not be taken until April, yet the appropriation of \$249,000 is for a full 12 months?

Michael Schwotzer advised we will raise and appropriate the full year's money, and it can carry over to 2010 and will make an adjustment in the 2010 budget to make up the difference.

Arthur Moody asked if we should appropriate it over next year, rather than trying to raise it next year?

Michael Schwotzer advised he does not see that it will make that much of a difference.

Arthur Moody stated the two pumpers purchased in 1988 cost \$165,000.

Dick Paquin – 11 F St – spoke against Article 23. He stated that he feels it is irresponsible to continue borrowing money that the taxpayers cannot afford to repay. He suggested we put this off until we pay one bond off before we begin another.

No further discussion. The article will be on the ballot as written.

Moved by Mary Louise Woolsey , Seconded by Richard Bateman, to restrict reconsideration of Article 23. Motion passed.

**Results of Balloting on March 10, 2009**

Yes 1019

No 1664

**The article failed.**

Article 24

Shall the Town of Hampton vote to raise and appropriate the sum of \$30,000 for the purpose of engaging the professional services of architects, engineers and building trades professionals to design and prepare complete cost estimates for the construction and furnishing of an addition to the Winnacunnet Road Fire Station? (Majority vote required)

**Recommended by the Board of Selectmen**

**Recommended by the Budget Committee**

Fiscal Impact Note (Finance Dept.): The estimated 2009 tax rate impact is \$0.010 per \$1,000 valuation (one cent per thousand dollars of valuation).

Moved by Richard Nichols, seconded by James Workman, to open Article 24 for discussion.

Richard Nichols gave an overview of Article 24.

Christopher Silver – Fire Chief – gave an overview and background of Article 24.

Michael Pierce – 16 Hedman Ave – spoke in favor of Article 24.

Richard Reniere – 29 Highland Ave – spoke regarding his concern that this article did not include additional money to include the beach fire station as well. He asked if there is anything we can do to change the article for the professional services to include the facility at the beach.

The Moderator advised the purpose of the article cannot change. It is specifically stated for Winnacunnet Road fire station only. The amount can be changed, but not the intent of the article.

Sharon Raymond – 2 Lamson Ln – spoke in favor of Article 24.

Art Gopalan – Asked what the “deliverables” are next year when we gather next year? This is just conceptual design. What type of product can we expect to see if Article 24 passes?

Christopher Silver - advised he expects to get a set of drawings that identify elevations, floor plans and arrangements based on sizes. Then he will use that information to determine how the flow will work and how that fits with what we can afford. We will adjust accordingly. He advised that the goal is to have a product to estimate the solid cost of construction of the building. Cost will include design, bid and build. It should give us a solid estimate of the entire cost.



Vic Lessard gave a history lesson on the last station built and spoke in favor of Article 24.

Fred Rice advised that he agrees with the purpose of the article, but advised the numbers just don't add up to take care of the job we need done. Moved by Fred Rice, Seconded by Vic Lessard, to amend the amount from \$35,000 to \$50,000.

Eileen Latimer asked that we address the beach station as well and spoke in favor of the Rice amendment.

Mary Louise Woolsey spoke in favor of the Rice amendment. She advised we need a commitment from the community to figure out what we are going to do. She stated that we need a vote of faith and confidence from the public.

Sharon Raymond – 2 Lamson Ln – spoke as an engineer, and believes the Chief will be able to get more for the \$50,000 and spoke in favor of the Rice amendment.

Vote for Rice amendment. The amendment passed.

Gerald Znoj – 16 Presidential Circle – asked what does “addition” mean? What are we hoping to achieve?

Christopher Silver advised we are trying to determine what our space needs are going to be. Once we identify that, we will determine how much space we will need to achieve the needs.

Gerald Znoj asked if it would include other departments' needs or just the fire department?

Christopher Silver advised it is just for the fire department.

Motion by Mary Louise Woolsey, seconded by James Workman, to restrict reconsideration of Articles 22 & 24. Motion passed.

### **Results of Balloting on March 10, 2009**

**Yes 1633**

No 1038

**The article passed.**

### Article 25

Shall the Town of Hampton vote to raise and appropriate the sum of \$340,000 to be placed in the Department of Public Works Equipment Capital Reserve Fund created under Article 23 of the 2008 Annual Town Meeting in accordance with the provisions of RSA 35? (Majority vote required)

**Recommended by the Board of Selectmen**

**Recommended by the Budget Committee**

Fiscal Impact Note (Finance Dept.): This warrant article is for the same purpose and in the same amount as requested and approved in 2008. Therefore, passage of this article would have no

additional impact on the 2009 tax rate. The estimated 2009 tax rate impact is \$0.112 per \$1,000 valuation (eleven point two cents per thousand dollars of valuation).

Moved by Rick Griffin, seconded by Richard Bateman, to open Article 25 for discussion.

Rick Griffin gave an overview of Article 25.

Arthur Moody asked do we have a balance, and what did we buy with it?

John Price advised no money was spent this past year because we did not have the authorization from town meeting to expend the funds.

Richard Nichols advised the balance is \$318,861.

John Price offered a correction, only an automobile was purchased, no trucks were purchased.

Art Gopalan asked what was the automobile that was purchased?

John Price advised that sometimes we send people to Concord in two pickup trucks. Therefore, we purchased an automobile that would allow for four people to travel to Concord and save the town money in travel expense.

Michael Pierce advised he was under the impression that this was for large trucks and pieces of equipment, not automobiles.

Vic Lessard spoke in favor of spending money for an automobile for travel instead of a public works director driving around in a pickup truck that could be used for plowing.

Art Gopalan asked is there a town policy that permits town employees to use personal vehicles and to be reimbursed by the town.

The Moderator advised this issue does not pertain to the Article. He asked Mr. Gopalan to stay on the subject of how we feel about \$340,000 for equipment.

William Lally advised we have total trust in our department heads. If you go to Concord, the department heads will choose the most cost-efficient way to make the travel. We cannot micro-manage.

Fred Welch stated we made a decision last year and we had a \$30,000 pickup truck to purchase. Its only purpose was for the public works director. We opted to purchase a vehicle instead of a truck to save money and the cost of the vehicle was only \$18,000, thus saving money. He advised we have \$3.5m in equipment that needs to be replaced. Some sidewalks have not been cleaned because a sidewalk plow was totaled recently. He advised the Article before you carries out year two of the plan.

No further discussion. The article will be on the ballot as written.

**Results of Balloting on March 10, 2009**

Yes 953

No 1692

**The article failed.**

Article 26

Shall the Town of Hampton vote to raise and appropriate the sum of \$50,000 for the purpose of providing full larviciding of mosquito breeding areas in the Town, including catch basins, and for spraying of adult mosquitoes during the months of June through September 2009? (Majority vote required)

**Recommended by the Board of Selectmen**

**Recommended by the Budget Committee**

Fiscal Impact Note (Finance Dept.): This warrant article is for the same purpose and in the same amount as requested and approved in 2008. Therefore, passage of this article would have no additional impact on the 2009 tax rate. The estimated 2009 tax rate impact is \$0.016 per \$1,000 valuation (one point six cents per thousand dollars of valuation).

Moved by Rick Griffin, seconded by William Lally, to open Article 26 for discussion.

Ann Kaiser – 7 Palmer St – Chairman of Mosquito Control Commission – advised this is a continuation of what we have been doing for the last four years and that we need money to fully treat the town. \$60,000 in the budget is not enough to complete the job. She advised we need the additional \$50,000 in this article in order to complete the job.

No further discussion. The article will be on the ballot as written.

Moved by William Lally, seconded by Richard Bateman, to waive reading of Article 27.

Motion passed.

**Results of Balloting on March 10, 2009**

**Yes 2477**

No 228

**The article passed.**

Article 27

Shall the Town of Hampton vote to raise and appropriate the sum of \$166,700.00 for the cost of Hampton's contribution to nineteen human service agencies in the seacoast area? (Majority vote required)

**Recommended by the Board of Selectmen**

**Recommended by the Budget Committee**

A breakdown of each human service agency's request is follows:

	Agency	Recommended	
	<u>Request</u>	<u>Board of Selectmen</u>	<u>Budget Committee</u>
<u>Human Service Agency</u>			
A Safe Place	\$5,500	\$5,500	\$5,500
Area Home Care & Family Services	12,000	12,000	12,000
Big Brothers/Big Sisters	6,500	6,500	6,500
Child & Family Services	5,000	5,000	5,000
Cross Roads	15,000	15,000	15,000
New Generation Shelter	2,000	2,000	2,000
American Red Cross	1,000	1,000	1,000
Retired Senior Volunteer Program	1,800	1,800	1,800
Rockingham Community Action	25,000	25,000	25,000
SeaCare Health Services	10,000	10,000	10,000
Seacoast Hospice	7,500	7,500	7,500
Seacoast Mental Health Center	8,000	8,000	8,000
Seacoast Visiting Nurse	40,000	40,000	40,000
Seacoast Youth Services	2,500	2,500	2,500
Sexual Assault Services	2,000	2,000	2,000
Richie McFarland Children's Center	6,000	6,000	6,000
AIDS Response Seacoast	2,700	2,700	2,700
Lamprey Health Sr. Transp. Program	4,200	4,200	4,200
Families First Health & Support Center	10,000	10,000	10,000
Total	\$166,700	\$166,700	\$166,700

Fiscal Impact Note (Finance Dept.): This warrant article is for the same purposes and in the same amounts as requested and approved for these agencies in 2008. Therefore, passage of this article would have no additional impact on the 2009 tax rate. The estimated 2009 tax rate impact is \$0.055 per \$1,000 valuation (five point five cents per thousand dollars of valuation).approximately the same.

Moved by Richard Nichols, seconded by William Lally, to open Article 27 for discussion.

Richard Nichols gave an overview of Article 27.

Bill Hartley – spoke in favor of Article 27 more specifically Seacoast Visiting Nurses and asked for permission for Mrs. Burke from Seacoast Visiting Nurses to speak. The body approved.

Mrs. Burke gave an overview of Seacoast Visiting Nurses and how the Town of Hampton has supported the organization over the past ten years.

John Nyhan – 4 Penniman Lane – spoke in support of Article 27. Moved by John Nyhan, seconded by Virginia Bridle, to add “furthermore these 19 human service agencies be required to give a written report at the end of the given fiscal year to the Board of Selectmen, highlighting what the funds were used for and what impact these funds had in assisting in their goals and objectives.

The Nyhan amendment passed.

## **Results of Balloting on March 10, 2009**

**Yes 1928**

No 745

**The article passed.**

### Article 28

By Petition of Juanita Niemczyk, and at least twenty-five (25) others...

Shall the Town of Hampton vote to raise and appropriate the sum of \$6,400 to defray the cost of services provided by TASC, Transportation Assistance for Seacoast Citizens, to eligible Hampton residents in the Town's 2009 Budget? (Majority vote required)

**Not recommended by the Board of Selectmen**

**Recommended by the Budget Committee**

TASC recruits, trains and mobilizes a corps of volunteer drivers who provide rides to seniors and other adult residents whose health prevents them from driving. TASC provides services in eight seacoast communities, including Hampton. The amount requested represents twenty percent (20%) of the total funds requested from municipalities, which is in proportion to the percentage of TASC trips provided to Hampton Residents.

Fiscal Impact Note (Finance Dept.): The estimated 2009 tax rate impact is \$0.002 per \$1,000 valuation (two tenths of one cent per thousand dollars of valuation).

Moved by Rusty Bridle, seconded by Ann Kaiser, to open Article 28 for discussion.

Warren Bambury advised Juanita Niemczyk was here earlier and was called away. He asked permission for the TASC coordinator who does not live in Hampton to speak to the article. The body approved Carol Geller, Executive Director of TASC, to speak before deliberative session.

Executive Director of TASC, Carol Geller gave an overview of TASC. She advised a one-way trip via taxi cab to Exeter Hospital (a common request) is approximately \$30. She asked the body for support of Article 28.

Warren Bambury – 21 Gill St – advised he is on the Board of Directors of TASC and has been volunteering for over 40 years. He advised that in all those years, he has never found volunteering more rewarding and spoke in favor of Article 28.

Ann Kaiser – 7 Palmer St – advised that drivers drive strictly on a volunteer basis and stated that the volunteers deserve our gratitude.

William Lally advised that Article 28 was not recommended by the Board of Selectmen and stated the reason was that no one came in from TASC to represent the organization. He stated now that they know more about it the Selectmen will take up the vote at Monday night's meeting to attempt to change the recommendation by the Board of Selectmen. *Selectmen did vote to change their recommendation to "Recommend" and was printed on the ballot as such.*

No further discussion. The article will be on the ballot as written.

## **Results of Balloting on March 10, 2009**

**Yes 1974**

No 639

**The article passed.**

### Article 29

We, the undersigned residents of Hampton, Petition the Town of Hampton to place on the Warrant the request to see if the Town will vote to raise and appropriate the amount of \$5,051 to support Rockingham Nutrition & Meals on Wheels Program's services providing meals for older, home bound and disable Hampton residents in the Town's 2009 Budget? (Majority vote required)

**Not recommended by the Board of Selectmen**

**Recommended by the Budget Committee**

Fiscal Impact Note (Finance Dept.): The estimated 2009 tax rate impact is \$0.002 per \$1,000 valuation (two tenths of one cent per thousand dollars of valuation).

Moved by Glenn Ferrell, seconded by John Nyhan, to open Article 29 for discussion.

Richard Bateman advised the Board of Selectmen did not see a representative to give a presentation.

William Lally advised we sent a request to all other outside agencies asking to not ask for an increase in their request because of the economic times. He advised the Selectmen will bring the matter up on Monday night to change the recommendation? *The Selectmen voted not to change their recommendation of Article 29.*

Bonnie Searle – 16 Penniman Lane – advised it would be a shame for our community not to support Meals on Wheels. She asked how much of an increase was it over last year?

William Lally advised he believes it to be a \$500 increase.

No further discussion. The article will be on the ballot as written.

## **Results of Balloting on March 10, 2009**

**Yes 2037**

No 574

**The article passed.**

### Article 30

Shall the Town of Hampton vote to create a Compensated Leave Trust Fund in accordance with the provisions of RSA 31:19-a for the purpose of placing in trust funds appropriated for the payment of compensated leave to employees in order to fully fund such benefits over time to avoid the expenditure of large unanticipated sums that would otherwise endanger the financial and operational requirements of the Town. Funds shall be transferred at the discretion of the Board of Selectmen from the annual operating budget to fund such trust and

the Board of Selectmen shall be agents of the Town to expend such funds when required to pay for compensated leave upon separation from the Town by eligible employees. The fund shall be revocable by vote of the Town? (Majority vote required)

Fiscal Impact Note (Finance Dept.): There would be no impact on the 2009 tax rate for this article where the funds to be transferred are accounted for in the operating budget.

Moved by James Workman, seconded by William Lally, to open Article 30 for discussion.

James Workman deferred to Fred Welch.

Fred Welch, Town Manager, gave an overview of Article 30.

No further discussion. The article will be on the ballot as written.

Moved by James Workman, Seconded by Richard Bateman, to restrict reconsideration of Articles #25-30. Motion passed.

#### **Results of Balloting on March 10, 2009**

**Yes 1833**

No 725

**The article passed.**

#### Article 31

To see if the Town of Hampton will vote to amend the Amusement Devices Ordinance adopted under Article 32 of the 2008 Annual Town Meeting by deleting Section 2, Age of Operators, Section 4, Type of Machines and the last sentence of Section 9A on revocation of licenses and by adding to Section 3 the word “Cash” in the title so that the provision provides for no cash prizes? (Majority vote required)

The Ordinance is being fine-tuned following its first year of operation. These changes will allow the Ordinance to function in a fair and reasonable manner for the benefit of the community and its business owners and will result in less cost to the Town.

Adoption of this article will have no impact on the Town’s tax rate.

Moved by Richard Bateman, seconded by William Lally, to open Article 31 for discussion.

Richard Bateman gave an overview of Article 31.

Arthur Moody advised that according to last year’s vote we already deleted Section 2 – age of operators.

No further discussion. The article will be on the ballot as written.

#### **Results of Balloting on March 10, 2009**

**Yes 1823**

No 643

**The article passed.**

### Article 32

Shall the Town of Hampton vote to amend its Ordinance enacted on March 9, 1994 on the Regulation of Animals by amending Section 1:104 subsections A, C, F, G by removing the word “cat” or “cats” wherever they appear; and by amending “subsection K” by striking the following words “, and for cats is set by Town policy”; deleting “subsection L” entirely; amending “subsection O” by striking the word “cats” in lines one and five; by removing the words “and cats” in line two or subsection O; by removing the words “and for cats by Town policy” at the end on subsection O? (Majority vote required)

This will bring the ordinance into compliance with the provisions of RSA 466 under which the Town has not voted to legally license cats, and currently does not now perform that obligation, which would incur additional costs in the Town budget if it proceeded to license cats.

Adoption of this article will have no impact on the Town’s tax rate.

Moved by Mary Louise Woolsey, seconded by Michael Plouffe, to open Article 32 for discussion.

Fred Welch gave an overview of Article 32 and advised it is simply a housekeeping Article.

Bonnie Searle advised that it was turned down years ago.

Fred Welch advised that licensing of cats needs to be removed from the ordinance.

No further discussion. The article will be on the ballot as written.

Moved by William Lally, seconded by Mary Louise Woolsey, to waive the reading of Article 33.  
Motion passed.

### **Results of Balloting on March 10, 2009**

**Yes 1966**

No 571

**The article passed.**

### Article 33

Shall the Town of Hampton adopt the following Ordinance? (Majority vote required)

#### **TOWN OF HAMPTON SOLID WASTE ORDINANCE**

#### **Authority**

In accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 31, Section 39 and Chapter 149-M, Section 17, authorizing the Town of Hampton to enact ordinances, this Solid Waste Ordinance is adopted by the Town of Hampton in Annual Town Meeting.



## **Purpose**

It is the declared purpose of the Town of Hampton, through the adoption of this Ordinance, to protect human health, to preserve the natural environment, and to conserve precious and dwindling natural resources through the proper recycling, reuse, disposal and integrated management of the community's solid wastes.

The Town declares its concern that there are environmental and economic issues pertaining to the disposal of solid wastes. It is important to reserve capacity for solid wastes, which cannot be reduced, recycled or composted. The Town declares that its goal is to achieve a 50 percent minimum weight diversion of solid wastes landfilled or incinerated on a per capita basis by the year 2012.

## **Section 1. Definitions**

- A. Certified Waste-Derived Product** means a constituent of solid waste which is no longer regulated as a solid waste when certified by the State to be recyclable for its original use or alternate uses and which poses no greater risk to the environment, public health, and safety than exists by producing, distributing, using or disposing comparable products which are not waste-derived.
- B. Compost** means a stable, humus-like substance, which is derived from a process involving the biological decomposition of any readily biodegradable material, such as animal manure, garbage, yard waste, septage, sludge, or other organic solid wastes, which can be beneficially re-used for land application.
- C. Construction and Demolition Debris** means non-putrescible waste building materials and rubble, which is solid waste resulting from the construction, remodeling, repair or demolition of structures or roads. The term includes, but is not limited to, bricks, concrete and other masonry materials, wood, wall coverings, plaster, dry wall, plumbing, fixtures, non-asbestos insulation or roofing shingles, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes, and electrical wiring and components, incidental to any of the above and containing no hazardous liquid or metals. The term does not include asbestos waste, garbage, corrugated containerboard, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, furniture, appliances, tires, drums and containers, and fuel tanks.
- D. Disposal** means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or onto any land or water with the result that such solid waste or any constituent of it may enter the environment, be emitted into the air, or be discharged into any waters, including ground water.
- E. Facility** means a location, system, or physical structure for the collection, separation, storage, transfer, processing, treatment, or disposal, of solid waste.
- F. Manure** means animal feces and urine with natural organic bedding materials such as hay, sawdust, straw, or wood chips, but exclusive of human waste.
- G. Order** means an official written notice requiring compliance with a statute, rule, ordinance or permit.
- H. Permit** means an authorization from the Town for use of the facility.
- I. Person** means any individual; business entity, including a trust, firm, joint stock company, corporation (including a government corporation), partnership, or association; government agency; or political subdivision.
- J. Public Benefit** means the protection of the health, economy, and natural environment of the Town of Hampshire consistent with RSA 149-M.

- K. Public Facility** means the solid waste facility of the Town of Hampton licensed by the State of New Hampshire.
- L. Recyclable Materials** means materials that can be used to produce marketable goods, including but not limited to separated clear and colored glass, aluminum, ferrous and nonferrous metals, plastics, corrugated cardboard, motor vehicle batteries, tires from motor vehicles, paper and other designated products.
- M. Recycling** means the collection, storage, processing, and redistribution of recyclable materials.
- N. Refuse** means and includes any waste product, solid or having the character of a solid rather than a liquid in that it will not flow readily, without additional liquid, and which is composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial or domestic solid wastes, organic wastes, or residue of animals sold as meat, fruit, vegetable or animal matter from kitchens, dining rooms, markets, food establishments or any place dealing in or handling meat, fowl, fruits, grain or vegetables; offal, animal excreta, or other carcasses of animals; construction and demolition debris; or accumulated waste materials, cans, containers, tires, junk or other such substances which may become nuisances.
- O. Solid Waste** means any matter consisting of putrescible material, refuse, residue from an air pollution control facility, and other discarded or abandoned material. It includes solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. For purposes of this Ordinance, it does not include hazardous waste as defined in RSA 147-A:2; solid or dissolved materials in irrigation return flows; cut or uprooted tree stumps buried on-site with local approval if required, provided that such burial locations are not located within 75 feet of any drinking water supply; municipal and industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended; source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended; or septage or sludge as defined in RSA 485-A:2, IX-a and XI-a.
- P. Solid Waste Management** means the systematic administration of activities for the collection, separation, processing, treatment, transportation, transfer, storage, recovery, and disposal of solid waste.
- Q. Source Reduction** means changing industrial processes, technologies, and product components with the specific objective of reducing the amount or toxicity of waste at the source.
- R. Special Waste** means any matter consisting of medical or infectious wastes.
- S. Town** means the Town of Hampton, New Hampshire.
- T. Transfer Station** means a solid waste collection, storage, and transfer facility, which collects, stores, and transfers solid waste, including non-recyclable waste.
- U. Video Display Device** means a visual display component of a television or a computer, whether separate or integrated with a computer central processing unit/box, and includes a cathode ray tube, liquid crystal display, gas plasma, digital light processing, or other image projection technology, greater than 4 inches when measured diagonally, and its case, interior wires, and circuitry.

## **Section 2. Use of Solid Waste Facility Restricted**

The use of the Town of Hampton Solid Waste Transfer Station and facilities is restricted to use by the residents and property owners in the Town of Hampton, New Hampshire and those private contractors and companies hauling only those solid wastes, refuse and

rubbish originating within the legal boundaries of the Town of Hampton for residents or property owners.

### **Section 3. Operation**

- A. In General.** The operation of the Solid Waste Transfer Station and Disposal Facility will be in accordance with the Town of Hampton Solid Waste Ordinance and by such additional rules, regulations, procedures and policies as may be adopted by the Board of Selectmen for the effective management, separation, recycling and disposal of solid wastes within the facility or may be enacted by the State of New Hampshire and/or the United States of America.
- B. Placement of Materials.** Only solid wastes originating within the Town of Hampton shall be placed at the Facility and such placement shall be in accordance with these regulations, the directions of personnel employed by the Town and the posted signage providing directions for the disposal of designated materials in designated areas.
- C. Operational Authority.** The operation and supervision of the Solid Waste Transfer Facility is under the Town Manager and his designated and authorized representatives, including, but not limited to, the exclusive right to inspect solid wastes, refuse or rubbish brought to the Facility and the individuals and vehicles transporting the same to determine compliance with this Ordinance and the laws of the State of New Hampshire and the United States of America.
- D. Right to Inspect and Exclude Materials.** The owner, operator or other person in charge of a vehicle transporting solid wastes, as a condition of use, to be deposited at the Solid Waste Facility shall present evidence and/or the origin of the materials to be deposited as the person in charge of the Facility, or his designated representative(s) may request. Failure to comply with this Ordinance or to present creditable evidence when requested shall be sufficient cause for the Town Manager, or his authorized representative(s), to revoke, suspend or modify a license, permit, or privilege for the use of the Facility as provided in this Ordinance, to exclude from the Facility those materials in question, and/or to enforce or impose any other penalties as provided by law or by this Ordinance.
- E. Hours of Operation.** The hours of operation shall be established by the Town Manager for the convenient use of the residents and property owners of the Town of Hampton and those engaged in privately hauling and disposing of their solid wastes, and in consideration of the financial burdens upon the taxpayers of the Town for the hours of operation of the facility. Use of the Facility, except during the established hours of operation, is strictly prohibited. The Town Manager reserves the right to change the days and hours of operation for the convenience of the residents and landowners and to conserve funds, as specified in this Ordinance. The Town Manager has the right to temporarily close the Facility, with or without notice, in cases of emergency.
- F. Changes in the Hours of Operation.** The Board of Selectmen may change the hours of operation of the Solid Waste Facility by holding a public hearing with at least 7 days notice of the hearing published in a newspaper of general circulation in the Town. Such 7-day period shall not include the day of publication or the day of the hearing. Changes approved in the hours of operations shall not become effective for at least 30 days following approval by the Board.

### **Section 4. Utilization of Facility**

#### **A. Refuse**

- 1. Acceptable Materials.** Refuse derived from the normal operations of households and businesses within the Town of Hampton and usual and acceptable in nature and that

is acceptable at the Solid Waste Landfill or Co-Generation Facility contracted with by the Town for refuse disposal, may be deposited at the Town's Solid Waste Facility or placed at curbside for collection in accordance with this Ordinance.

2. **Unacceptable Materials.** All special wastes, wastes derived from or contaminated with or by radioactive materials; explosives; ammunition for fire arms or weapons of any kind; an item that is regulated by State or Federal law and requires the issuance of special permits for its disposal; any item with a temperature beyond its burning point; paints; regulated chemicals; wastes which when in contact with acceptable materials deposited at the Facility may cause injury to the Facility or the persons using or employed at the facility.
3. **Town Departments.** Town Departments, operating Town owned equipment and contractors engaged in work for the Town of Hampton may deposit refuse generated by the Department or by a contractor engaged in the execution of work for the Town at the Facility without charge, under the same terms and conditions as all others under this Ordinance.
4. **State of New Hampshire.** The State of New Hampshire, operating State owned equipment and contractors engaged in work for the State at the Hampton Beach State Park and Beaches may deposit refuse collected at the State Park and Beaches and from refuse collection receptacles on Ocean Boulevard at the Facility without charge, under the same terms and conditions as all others under this Ordinance. Excluded from this provision are materials removed by raking of the sand. Such materials will be accepted and be deposited at a special location and charged for at the Town's cost of disposal.

#### **B. Recycling**

1. **Designation of Materials.** The Board of Selectmen shall designate materials that can be removed from the solid waste stream for the purposes of recycling and reuse.
2. **Recycling Diversion Goal.** It is the goal of the Town of Hampton to reduce the solid wastes deposited in landfills and co-generation facilities from Hampton by 50% before the conclusion of the calendar year 2012.
3. **Materials to be Recycled.** The Town shall provide for the recycling of glass containers, aluminum containers; aluminum foils; steel containers; plastics; newspapers; magazines; paperboard containers; cardboard; yard waste; clean wood; wood chips; leaves and other materials that may be designated by the Town.
4. **Recycling of Selected Materials Required.** The Board of Selectmen shall designate materials that must be recycled. Once materials are designated for recycling, they will not be received for disposal with non-recycled materials at the Facility but must be separated for separate collection or disposal by recycling.
5. **Preparation of Recycled Materials.** The Department of Public Works will provide guidance in the form of printed materials for distribution to those disposing of solid wastes that accurately describes the necessary preparation of materials for recycling.
6. **Disposal of Recyclable Materials.** Residents and property owners may select to dispose of recyclable materials at curbside, when that service is offered, or may deposit their recyclable materials in the appropriately designated recycling receptacles at the Facility.
7. **No Charge for Recycled Materials.** Recycled materials will be accepted at the Facility without cost to any resident or property owner provided such materials are presented for recycling in accordance with the preparation requirements for recycled materials.

8. **Recyclables Property of the Town.** Recycled materials left at curbside for pickup or deposited at the Solid Waste Facility are the property of the Town of Hampton and removal except by those authorized by the Town constitutes the illegal taking of public property.

**C. Non-Recyclable Materials**

1. **Brought to Solid Waste Facility.** Residents and property owners may deposit non-recyclable solid wastes at the Solid Waste Transfer Haul Facility during the normal hours of operation in accordance with this Ordinance. The first 1,000 pounds of solid waste may be deposited daily free of charge from households. Solid Wastes derived from the operation of non-residential locations shall be charged the Town's cost for handling and disposal. For the purposes of this section, solid wastes derived from single and two-family structures are excluded from the definition of non-residential structures or locations.
2. **Fees for Non-Recyclable Solid Wastes.** A schedule of fees to be known as the "Transfer Station Fees" shall be established and from time to time amended by the Board of Selectmen. Said fees shall contain the costs necessary to reimburse the Town for the acceptance and disposal of special, unusual, metal, bulky and regulated wastes. Such fees shall be revised by the Board of Selectmen when required to maintain a neutral disposal cost for the items contained in the Transfer Station Fees list.
3. **Private Packer Trucks.** Packer Trucks are not permitted to deposit materials at the Solid Waste Facility. Excluded from this provision are packer trucks operated by or contracted to the Town of Hampton for curbside collection of solid wastes.

**D. Yard Wastes**

1. **Compostable Wastes Accepted.** Compostable materials derived from the annual or regular maintenance of real property will be accepted at the Solid Waste Facility at no charge provided the materials are separated in accordance with posted instructions and match the size requirements when applicable.
2. **Tree Removal Wastes.** Trees removed from private property may be deposited at the Solid Waste Facility provided the log sections are no longer than 15 inches in length or over six inches in diameter. Large log sections may be split into sections to comply with the 6-inch diameter regulations. Logs will be deposited in a designated area and the materials so deposited may be taken free of charge by any resident or property owner for their personal use on a first come basis.
3. **Tree Chips.** Chips derived from the removal or trimming of trees on public property shall be deposited at the Solid Waste Facility in a designated area. Chips not used on public property for landscaping or beautification purposes may be taken free of charge by any resident or property owner for their personal use on their property located in the Town of Hampton. All tree companies engaged in the removal or trimming of trees and utility line clearance on public property shall deposit the chips and logs derived there from at the Solid Waste Facility or be subject to the penalties contained in this Ordinance.
4. **Compostable Papers.** Paper products that are certified as compostable may be deposited at the composting site free of charge provided they are contained within a biodegradable (paper) bag.

**Section 5. Permits**

- A. **Issuance.** The Town may issue permits to facilitate the entrance and use of the Solid Waste Facility.

- B. Revocation of Permits.** The Board of Selectmen or their authorized representative(s) may revoke permits issued for use and entrance to the Solid Waste Facility for infraction of this Ordinance. Such revocation may be for a temporary period or may be permanent depending upon the infraction and its seriousness.
- C. Appeal of Permit Revocations.** Any holder of a permit that is revoked may appeal the revocation to the Board of Selectmen who shall hold a public hearing concerning the revocation. The Board may uphold the revocation or may overturn the revocation and restore the permit to the original permit holder.
- D. Permits Not Transferable.** Permits issued by the Town for the use of the Solid Waste Facility are not transferable. Such permits shall not be loaned to others and are for the exclusive use of the resident or property owner to whom the permit is issued. Violation of this section of the Ordinance may cancel the issued permit.
- E. Permit Fees Not Returnable or Refundable.** If a fee has been charged for the issuance of a permit under this Ordinance and the permit is subsequently revoked or suspended for violation of this Ordinance the permit holder is not entitled to a refund of any or all of the permit fee.

#### **Section 6. Penalties**

In accordance with the provisions of RSA 149-M:17, II, (b) any person who violates the provisions of this Ordinance shall be subject to a fine of up to \$500 to be issued in the form of a summons and notice of fine as provided in RSA 502-A: 19-b. Such summons shall be issued by the Town Manager or the Director of Public Works as the enforcing officers for the Board of Selectmen.

#### **Section 7. Severability**

If any provision, word, clause, section, paragraph, phrase or sentence of this Ordinance is found by a Court of competent jurisdiction to be unconstitutional, unlawful or unenforceable such unconstitutionality, unlawfulness or unenforceability shall not affect the other provisions of this Ordinance, provided that the purposes of this Ordinance can still be achieved in the absence of the invalid provisions.

#### **Section 8. Effective**

This Ordinance shall become effective when adopted by the Annual Town Meeting and shall repeal all other Ordinances or portions of Ordinances that may be in conflict with the provisions herein enacted.

Moved by William Lally, seconded by Richard Nichols, to open Article 33 for discussion.

William Lally gave an overview of Article 33.

Fred Rice - 15 Heather Ln – spoke in favor of the ordinance but thinks we need to understand what we are voting for. He expressed reservations to the 50% goal as being overly ambitious and the fees are too heavy for the first time out.

Motion by Gerry Znoj, seconded by Fred Rice to amend Article 33 to change page 19, section 6 to state subject to a fine of up to \$100 for the first offense, \$200 for a second offense and \$500 for any subsequent offense thereafter.

Dennis Wagner stated a provision should be made that it can be picked up at condos.

Richard Bateman advised that it would not.

William Lally advised he is opposed to the Znoj amendment.

Richard Nichols advised during discussions the Board of Selectmen added “up to” \$500.

A vote was taken on the Znoj amendment. The amendment failed.

Art Gopalan stated he believes this article is to introduce the Town of Hampton to a solid waste program. He suggested that we let the taxpayers know that by voting yes we would be adopting this article.

Arthur Moody advised that on Page 18, D2 regarding tree removal waste, there is no mention of stumps.

Fred Welch advised it should not unless they come from a town function.

Arthur Moody advised Pages 15 & 16, hours of operation seem to be conflicting. He asked who sets the hours of operation?

No further discussion. The article will be on the ballot as written.

### **Results of Balloting on March 10, 2009**

**Yes 1900**

No 672

**The article passed.**

### Article 34

Shall the Town of Hampton vote to require a future Town Meeting vote in order to authorize the sale of all or any portion of the Town owned oceanfront property deeded to the Town by Tax Collector’s deed in 1976 on the Seabrook side of the Hampton River Bridge, thereby exempting that property from the Board of Selectmen’s authority to sell Town property under N.H. RSA 41:14-a as adopted by Article 38 at the 2002 Town Meeting? (Majority vote required)

Adoption of this article will have no impact on the Town’s tax rate.

Moved by Richard Bateman, seconded by Rick Griffin to open Article 34 for discussion.

Rick Griffin deferred to Fred Welch.

Fred Welch gave an overview of Article 34.

Arthur Moody asked if we are talking about River Beach or Ocean Beach?

Fred Welch advised we are talking about both.

No further discussion. The article will be on the ballot as written.

Moved by Mary Louise Woolsey, seconded by William Lally, to restrict reconsideration of Articles 33 & 34.

**Results of Balloting on March 10, 2009**

**Yes 2096**

No 393

**The article passed.**

Article 35

Shall the Town of Hampton vote to confirm its acceptance of Riverview Terrace, Bragg Avenue, Tuttle Avenue, Fellows Avenue, and Dow Avenue as public roads and without any payment of damages by the Town? (Majority vote required)

A deed for these streets was given to the Town by quitclaim deed dated April 11, 1986 from the Hampton Beach Improvement Company, Inc. and was recorded on June 27, 1986 in the Rockingham County Registry of Deeds at Book 2612, Page 1207.

Confirmation of the acceptance of these roads will not affect the tax rate as these roads have been maintained by the Town for many years.

Moved by Richard Bateman, seconded by William Lally, to open Article 35 for discussion.

Richard Bateman gave an overview of Article 35.

Arthur Moody asked why the Board of Selectmen approval of acceptance of Hampton Beach Improvement Company of 1986 was not sufficient for accepting private roads.

Fred Welch advised he has been reviewing records for town road acceptances and that he found none were accepted by town meeting. 1994 town meeting effective in 1995 the Board of Selectmen were not allowed to accept town roads. He advised there was a deed executed by HBIC, recorded quitclaim giving property of streets to the town. He advised the Town has always maintained, this would just confirm what is already there. He advised this removes any question of whos property they (the streets) are.

No further discussion. The article will be on the ballot as written.

**Results of Balloting on March 10, 2009**

**Yes 2059**

No 451

**The article passed.**

Article 36

Shall the Town of Hampton vote to confirm its acceptance of Rosa Road and Warner Lane as public roads and without any payment of damages by the Town? (Majority vote required)



A deed for these streets was given to the Town by quitclaim deed dated August 9, 1957 by Henry Phinney and Gladys Phinney and was recorded on August 13, 1957 in the Rockingham County Registry of Deeds at Book 1441, Page 217.

Confirmation of the acceptance of these roads will not affect the tax rate as these roads have been maintained by the Town for many years.

Moved by Richard Bateman, seconded by William Lally, to open Article 36 for discussion.

Richard Bateman gave an overview of Article 36.

Arthur Moody asked about the other two roads (Roberts Dr and Donna's Ln) in this subdivision, not mentioned in the Article.

Fred Welch advised it is his understanding that Robert's and Donna's was accepted at an earlier town meeting.

No further discussion. The article will be on the ballot as written.

### **Results of Balloting on March 10, 2009**

**Yes 2066**

No 443

**The article passed.**

### Article 37

On the petition of at least 25 additional registered voters...

We, the following, petition the Town of Hampton to accept Manchester Street as a public road and such road to be accepted "as is" and without payment of any damage by the town? (Majority vote required)

This paved street has sewer, water and has always been maintained by the town.

By accepting this road it will not affect the tax rate as this road has always been maintained by the town.

Moved by Mary Louise Woolsey, seconded by Mr. Withee, to open Article 37 for discussion.

Richard Nichols asked for clarification, this is a petitioned warrant article as opposed to a town-sponsored warrant article. He asked Fred Welch if he is in agreement with the statement that it has always been maintained by the town.

Fred Welch advised he is in agreement with that statement. He advised that we have stopped maintaining as the court ordered that you cannot spend public funds on private roads. The petitioners would like the road to be accepted as a town road as opposed to being declared an emergency lane.

Arthur Moody advised that this has not gone to the planning board and is premature to bring it to the legislative body and disputed that it has always been maintained by the town.

Sharon Raymond – agreed with Arthur Moody, advising that this street was taken out of the beach project because it was not a town road, we did not upgrade drainage, sewer, etc. along with Keefe.

No further discussion. The article will be on the ballot as written.

**Results of Balloting on March 10, 2009**

**Yes 1309**

No 1169

**The article passed.**

Article 38

To see if the Town of Hampton will vote to instruct the Board of Selectmen to petition the State of New Hampshire to permit the removal of the State owned railroad bridge over Drakeside Road so that the entirety of Drakeside Road will be passable for fire equipment and delivery vehicles servicing residences on Drakeside Road? (Majority vote required)  
Adoption of this article will have no impact on the Town's tax rate.

Moved by Rick Griffin, seconded by Richard Bateman, to open Article 38 for discussion.

Rick Griffin gave an overview of Article 38.

Nathan Page – 200 Drakeside Road – spoke in favor of Article 38.

Fred Rice – 15 Heather Lane – spoke in favor of Article 38. He asked the question – has Guilford been approached, and questioned the possibility of them putting a monkey wrench into the project?

Fred Welch advised the State of NH listed this as the Town of Hampton's bridge. They didn't know it was their bridge. DOT purchased the bridge and everything on it from Guilford Transportation.

Rick Griffin asked if the town workers could do the work.

Fred Welch advised it depends on the work involved.

Rusty Bridle – 225 Towle Farm Road – agreed but stated he hopes that the town posts the road as a local road only, with a legal weight limit.

No further discussion. The article will be on the ballot as written.

Podium turned over to Representative Nancy Stiles.

**Results of Balloting on March 10, 2009**

**Yes 2152**

No 362

**The article passed.**

Article 39

Shall the Town of Hampton, in order to accomplish safety improvements to the Winnacunnet Road/Lafayette Road intersection, vote to discontinue any parts of the three land areas that have been laid out as highways, and to quitclaim any interest in fee that the Town may have in said three areas to the owners of the abutting properties, as depicted on the Lot Line Adjustment Plan for Tropic Star Development, LLC. by Jones & Beach Engineers, Inc. as revised on January 12, 2009 and labeled as “Land to be deeded to” either Tax Map 175, Lot 13 (the proposed pharmacy property), Tax Map 175, Lot 10 (the Galley Hatch Restaurant property), or Tax Map 176, Lot 15 (the Citizens Bank property), but only in return for the expenditure in 2009 and 2010 by said owners of the dollar value equivalent to the aforesaid appraised fair market value of the said three areas in road safety improvements to be performed as directed by the Board of Selectmen to the intersection of Winnacunnet Road and Lafayette Road, including but not limited to a) the squaring off of this intersection by eliminating the southernmost curved lanes connecting Lafayette Road and Winnacunnet Road and b) the signalization of this intersection, and with no damages to be paid to abutters; said discontinuance to be in accordance with the provisions of RSA 231:43 and that any and all public utilities including drainage be preserved in their current location in accordance with RSA 231:46? (Majority vote required)

Failure of this warrant article will result in the Selectmen’s taking action to prevent the continued private use by the abutting property owners of any portion of these three areas for either parking spaces or structures.

Adoption of this article will have no impact on the Town’s tax rate.

Moved by Rick Griffin, seconded by Richard Bateman, to open Article 39 for discussion.

Rick Griffin deferred to Tracy Emerick.

Tracy Emerick gave an overview of Article 39. Moved by Tracy Emerick, seconded by Nathan Page, to allow John Tinios to speak. Motion passed.

Mark Gearreald gave an overview of Article 39 using slides of maps and old railroad properties.

Moved by James Workman, seconded by Rick Griffin, to amend article 39 to strike (line 9) “aforesaid appraised” and add after three areas (line 10) “as determined by the Board of Selectmen by outside, independent appraisal.”

The Workman amendment passed.

Mark Gearreald gave more information regarding the second to last paragraph beginning with “failure of this warrant article” – advised that if someone was using a town property that is

highway, and blocking use, (elimination by blockage), would remove use of current parking spaces on town property.

John Tinios – owner, Galley Hatch – stated he has been involved in the property for 36 years, and has seen a number of accidents or near misses coming out of the theater or the Galley Hatch. He advised public safety is his number one concern. Aesthetics of this property is important as well and believes this project would be an improvement to the town.

Mary Louise Woolsey expressed her opposition to Article 39 giving up any town land. She also stated that she objects to having a stop light every few feet on Lafayette Road.

Tracy Emerick advised that he wanted to clarify that it is not giving up town land. It is improving the intersection for the swap of town land.

Art Gopalan advised he concurs with the hazard of making the turn. He questioned concerns for the ownership transfer of the property that we now have. He asked can you give perspective to what the mechanism is going forward? He asked do we have a clear understanding that we own the land that we are trying to deed to someone else for the time being, or is there going to be a situation where we are going to be butting heads with the state or some other body. What is the town's obligation? Are we giving up the town property in lieu of the business' parking that is already there? Is it an even exchange? He advised that it is not clear to him how this is all going to work out.

Mark Gearreald advised we would ascertain the fair market value by an outside appraisal.

Art Gopalan stated the business is going to gain parking spaces, are they going to be paying for modifications and the traffic signal? Is 101E state road or town road?

Mark Gearreald advised that Winnacunnet Road is Rte 101E, and is now a town road. He advised the state advises Lafayette Road is now a town road. Land that is being seeded to an abutting property owner that would become parking areas would be the responsibility of the new property owner, not including the signal.

Ann Kaiser stated she views the article as a win-win situation. The town will get money for land being used by another and the new user will be paying taxes on the land. She advised this will increase the value of their property and will take away the dangerous intersection. She advised her only concern is the signalization. She stated the timing should be such that traffic can flow through up to as far as Hannaford.

Fred Rice stated that we need to use common sense and agreed with Ann Kaiser that it is a win-win situation. He spoke in favor of Article 39. He stated the Town should take advantage of trading those little pieces of land and get some benefit out of it while upgrading one of the most dangerous intersections in town.

Moved by Fred Rice, seconded by Nathan Page, to amend Article 39 to strike the last paragraph "failure of this warrant article....and ending with "either parking spaces or structures".

Vote taken – The Rice amendment passed.

Rusty Bridle expressed his support of Article 39 and the Rice amendment.

Brian Warburton – 24 Sanborn Rd – echoed Rusty Bridle’s statement and offered his support of Article 39.

Mary Louise Woolsey read a letter from Judith A. Park – Chairman, Highway Safety Committee, which did not support Article 39.

Virginia Bridle-Russell asked who is obtaining an appraisal of the fair market value.

Mark Gearreald advised the town would obtain that appraisal.

Virginia Bridle-Russell asked “where the buck stops”.

Mark Gearreald advised a recent corridor study estimates \$120,000 in cost. Mark Gearreald believes appraisal will come in well over the cost of the renovations.

Nancy Stiles asked that we take a five minute break for Ch 22 to make adjustments to their equipment.

John Tinios – Advised the highway committee brought up the concern about queuing. He advised that in this plan there is a right turn lane, which is not addressed by the highway safety committee. He stated that he would rather wait an extra minute at a traffic light than taking his life into his own hands by having to look three ways. He advised that there has been one pedestrian fatality at that intersection, one maimed for life, and I’m told of another one that I was unaware of. This is not going to affect us financially; it is more about functionality and improvement of safety. He advised that the land is sitting there; the town is not getting any money for the land now, and stated he hopes that voters will consider the facts when they make their vote.

Eileen Latimer – 251 Mill Rd – advised the highway safety committee stated there would be an impact on Mill Road. She stated she doesn’t see how this corner would impact Mill Rd. She advised that 10-12 years ago she witnessed an accident that killed a senior citizen at that intersection. She stated what precipitated the accident was not that the person was not driving speed limit, but that he had so many places to look for traffic, that he didn’t notice a pedestrian in the crosswalk. She stated she is never for selling town property, but in this instance we are not losing anything. She spoke in favor of Article 39.

Michael Pierce – 16 Hedman Ave – stated he is only concerned about one part of the article and that is with the agreement with the town. He asked if the land is appraised at \$1m but the improvements cost \$500k, what happens to those funds. Moved by Michael Pierce, seconded by Virginia Bridle-Russell, to amend Article 39 to state after RSA 231:46 “with any extra funds to be deposited to the general fund?”

Arthur Moody asked how does this town meeting vote overrule that the sale of land goes into the trust fund.

Mark Gearreald advised this is highway discontinuance.

Vote taken –The Pierce amendment passed.

Christopher Silver addressed the body regarding signalization. He advised it is extremely important for us to be able to control the flow of traffic and crosswalk lights during emergency response.

William Lally stated he believes the highway safety committee “whiffed” on this one. He stated that it is common sense that the land itself, as it sits, is of less value to the town.

No further discussion. The article will be on the ballot as amended.

Moved by James Workman, seconded by Richard Bateman, to restrict reconsideration of Articles 35-39. Motion passed.

### **Results of Balloting on March 10, 2009**

Yes 1173

**No 1305**

**The article failed.**

### Article 40

To see if the Town of Hampton will vote to instruct the Board of Selectmen to investigate the creation of a municipally owned electric utility department, with said investigation to include the possibility of placing overhead utility lines underground to help prevent extended losses of essential utility service? (Majority vote required)

Adoption of this article will have no impact on the Town’s tax rate.

Moved by Richard Bateman Seconded by Rick Griffin, to open Article 40 for discussion.

Richard Bateman gave an overview of Article 40. He advised that this is the start of a conversation and to develop ideas. He advised it will require another vote, but it is time to open discussion frankly amongst ourselves and experts in the field, and that this is the first step.

Mr. Chuck Withee – 36 Alexander Dr – advised Unitol’s service has been pretty good over the years he has lived here. He advised he wants to leave this to the experts without any disrespect to the Selectmen. He stated that he knows they volunteer in the community and they are a good community partner.

Ann Kaiser stated that she views this article as a knee jerk reaction to a terrible situation. She advised that placing the overhead utility lines underground bothers her. She stated that we were told years ago that placing lines underground was way too costly. She spoke against the article.

Dave Hollingworth – 6 Curtis St. – read a letter from Executive Councilor Beverly Hollingworth, which spoke against Article 40.

Brian Warburton – spoke against Article 40. He asked the Moderator to see if the Board of Selectmen would withdraw Article 40 or add text at the end of the article “The Board of Selectmen recommends that you vote ‘no’.”

Art Gopalan – echoed Mr. Warburton’s comments and stated he does not believe we have the where-with-all to accomplish the task. He stated we are struggling to get a new fire station. Spoke against Article 40.

Rusty Bridle stated he believes it would take a lot of wasted time and energy. He spoke against Article 40. He stated that we should be directing our efforts toward shelters, etc. for when we have emergencies such as the December 11 ice storm.

Eileen Latimer stated she believes it was a response to a lot of citizens who were out of power. She believes Unitil did an outstanding job with the crews that they had. She spoke against Article 40. She stated she would like to see some questions answered by Unitil, which do not belong on a warrant article.

William Lally advised he appreciates everyone speaking on this subject and that people will vote as they see fit

No further discussion. The article will be on the ballot as written.

### **Results of Balloting on March 10, 2009**

Yes 715

No 1800

**The article failed.**

### Article 41

Shall the Town vote to authorize, but not require, the Board of Selectmen to enter into an inter-municipal agreement between the Towns of Hampton and Hampton Falls for the purposes of constructing and maintaining a pedestrian walkway/bicycle path over the existing Old Stage Road Bridge between the two Towns and to perform such repair and rehabilitation of the existing Bridge itself as may be necessary to properly support such walkway/path, provided that no local property tax revenues are to be utilized for said purposes, utilizing instead such grants and privately donated funds that are received for those purposes? (Majority vote required)

Fiscal Impact Note (Finance Dept.): Adoption of this article will have no impact on the Town’s tax rate where the source of funding for the work shall be limited to grants and privately donated funds.

Moved by Nathan Page, seconded by Richard Bateman, to open Article 41 for discussion.

Nathan Page gave an overview of Article 41.

Mark Gearreald gave an example of the acceptance of monies in trust.

Art Gopalan asked a question assuming the article passes: What maintenance costs do we have to bear? What liability do we have to carry?

Mark Gearreald advised it is already a liability at this point and that the funds would be donated along with grants to improve the situation.

Nathan Page advised there is a committee raising funds to continue to maintain the bridge for perpetuity.

No further discussion. The article will be on the ballot as written.

**Results of Balloting on March 10, 2009**

**Yes 1779**

No 712

**The article passed.**

Article 42

To see if the Town of Hampton will vote to authorize the Board of Selectmen to lease the District Fire Station on Ashworth Avenue from the Hampton Beach Village District to ensure the continued availability of fire protection services from a location within the District, subject to such terms and conditions which the Selectmen deem to be in the best interest of the Town and consistent with the goals set forth in this article, and to authorize the Board of Selectmen to enter into renewals of said lease, all for a period of no more than five years from the passage of this article by the Town and the Hampton Beach Village District?  
(Majority vote required)

Adoption of this article will have no impact on the Town's tax rate.

Moved by James Workman, Seconded by Richard Nichols, to open Article 42 for discussion.

James Workman gave an overview of Article 42.

No further discussion. The article will be on the ballot as written.

**Results of Balloting on March 10, 2009**

**Yes 2387**

No 258

**The article passed.**

Article 43

Shall the Town of Hampton vote to designate 5 years from November 17, 2009 as the length of the first renewal period of the Inter-municipal Agreement for Treatment and Disposal of Wastewater between the Town of Hampton and Rye? (Majority vote required)



The initial 20-year Agreement, which was entered into in 1989, has enabled the Town of Rye to dispose of its wastewater at Hampton's wastewater treatment plant, in return for Rye's initial investment of approximately \$5 million dollars to establish a Hampton-Rye sewer connection and Rye's continuing payment to Hampton of a proportionate share, based on gallonage, of both a) the use of Hampton's facilities and b) Hampton's capital costs. For the year 2008, these payments from Rye to Hampton totaled \$93,027.

By its terms, this Agreement is automatically renewable for successive periods of not less than 5 years unless 2 years prior to the termination date either party notifies the other that the Agreement shall not be renewed. No Hampton Town Meeting vote directing the Board of Selectmen to notify Rye of non-renewal was taken prior to the November 17, 2007 deadline for providing such notice in order to avoid a first renewal period.

Adoption of this article will have no impact on the Town's tax rate.

Moved by William Lally, seconded by Richard Bateman, to open Article 43 for discussion.

William Lally gave an overview of Article 43.

Mary Louise Woolsey advised she is addressing Article 43 & 44 because they are on the same subject and spoke against Article 43 but in favor of Article 44.

Arthur Moody spoke against Article 43. Moved by Arthur Moody, seconded by Bonnie Searle to amend to by adding before (majority vote required) "in addition to paying a proportionate share of costs based on gallonage treated and capital costs, Rye shall pay \$100k for the 5-year first renewal period by April 1, 2010 in keeping with the \$382,000 prepaid in 1990 for the original 20-year period."

Mark Gearreald advised Arthur Moody amendment is adding to the terms of an original contract and adds a new agreement which is not enforceable after the fact.

Vote taken. The Moody amendment failed.

Rusty Bridle spoke against Article 43.

Moved by Marcella Quandt, seconded by Rusty Bridle to amend the first line to designate "three years (instead of 5) from November 17, 2009 as the length of the first renewal period, to be reviewed in 2012"

Mark Gearreald advised the amendment would not be legal.

Mrs. Quandt withdrew the amendment per legal's opinion.

Fred Rice stated an agreement was made in good faith with the Town of Rye and spoke in favor of Article 43.

Ann Kaiser asked is this a mute issue and stated this has to be automatically renewed according to the previous agreement.

Bonnie Searle asked what happens if the voters vote no?

Mark Gearreald advised the purpose is to determine the renewal period. It is not less than five years. He advised the town meeting can designate the renewal period. He stated a Yes vote starts the clock ticking on the minimum period.

Nathan Page stated it looks as though Rye gave the Town of Hampton \$5m, but that's not the case. He stated how the article is written is very misleading.

Sharon Raymond – 2 Lamson Ln – stated she is contradicting Mr. Rice's statement. She stated we are up to 87% capacity. She stated NH DES looks at every connection you add. It is limiting our ability to add more connections and we do not have a lot of excess capacity.

Arthur Moody spoke to Article 43.

Vote taken to cease discussion. No further discussion. The article will be on the ballot as written.

### **Results of Balloting on March 10, 2009**

**Yes 2226**

No 364

**The article passed.**

### Article 44

Shall the Town of Hampton vote to direct the Board of Selectmen to timely notify the Town of Rye that Hampton shall not renew the "Agreement between the Town of Hampton and the Town of Rye, New Hampshire regarding Treatment and Disposal of Wastewater" upon the expiration of the first renewal period of that Agreement whose length has been designated by vote on the previous Article 43 of this 2009 Hampton Town Meeting? (Majority vote required)

In order to be timely, this notice must be given 2 years prior to the termination date of the Agreement or any renewal period thereunder. This 20-year Agreement, which was entered into in 1989, has enabled the Town of Rye to dispose of its wastewater at Hampton's wastewater treatment plant, in return for Rye's initial investment of approximately five million dollars to establish the Hampton-Rye sewer connection and Rye's continuing payment to Hampton of a proportionate share, based on gallonage of both a) the use of Hampton's facilities and b) Hampton's capital costs. For the year 2008, these payments from Rye to Hampton totaled \$93,027.

Adoption of this article will have no impact on the Town's tax rate.

Moved by William Lally, seconded by Richard Bateman, to open Article 44 for discussion.

Moved by Victor DeMarco, seconded by Arthur Moody, to amend by replacing the word "timely" with "immediately" in the first line of Article 44.

Vote taken. DeMarco amendment passed.

Richard Nichols asked for clarification on the usage level.

Sharon Raymond advised she got the 87% number from Larry Stewart from NH DES.

Fred Welch advised the DES has removed the restrictions and that we have received a letter from DES advising that the number is less than 70%.

No further discussion. The article will be on the ballot as amended.

Moved by James Workman, seconded by Richard Bateman, to restrict reconsideration of Articles 40-44.

**Results of Balloting on March 10, 2009**

**Yes 1681**

No 777

**The article passed.**

Article 45

Shall the Town of Hampton vote, in accordance with N.H. RSA 80:52-c, to authorize but not require the Town Clerk to accept payment of fees by credit card, provided that there shall be added to each amount due a service charge to cover the credit card company's charges to the Town and any other actual costs for the use of the credit card service? (Majority vote required)

Adoption of this article will have no impact on the Town's tax rate.

Moved by Richard Bateman, seconded by William Lally, to open Article 45 for discussion.

Nathan Page asked can we require the customer to pay the additional credit card fees as part of their payment?

Town Clerk Jane Cypher advised that for the payment of taxes we can.

No further discussion. The article will be on the ballot as written.

**Results of Balloting on March 10, 2009**

**Yes 2191**

No 415

**The article passed.**

Article 46

On petition of James Workman and 25 additional registered voters.

Shall the Town vote to raise and appropriate a sum not to exceed \$30,000, for the construction of a 15 x 30 foot "pavilion" type structure at the High Street Cemetery? (Majority vote required)

**Recommended by the Board of Selectmen**

**Recommended by the Budget Committee**

The purpose of this structure shall be to provide a covered area for the town's veterans during the Memorial Day and other remembrances, when the weather so requires. Such authorization shall include costs of design, procurement, construction, landscaping, together with all appurtenances necessary or desirable to complete such project.

Fiscal Impact Note (Finance Dept.): The estimated 2009 tax rate impact is \$0.010 per \$1,000 valuation (one cent per thousand dollars of valuation).

Moved by James Workman, seconded by Richard Bateman, to open Article 46 for discussion.

James Workman gave an overview of Article 46.

Arthur Moody spoke against Article 46 stating other inside venues have been used in case of inclement weather.

James Workman advised that the past 5 years alone the weather was less than cooperative and that the ceremonies were still held outside.

No further discussion. The article will be on the ballot as written.

Moved by James Workman, seconded by Richard Bateman, to restrict reconsideration of Articles 45-46. Motion passed.

**Results of Balloting on March 10, 2009**

Yes 824

**No 1821**

**The article failed.**

Article 47

Upon Petition of Frederick Rice, Brian Warburton, Mary Louise Woolsey and more than 25 other registered voters.

Shall the Town of Hampton, in support of its declared commitment to preserve the natural environment and to conserve precious and dwindling natural resources through the proper recycling and reuse of waste materials, be required to purchase recycled or recycled-content products for any and all Town supply requirements whenever such products are reasonably available, provided that the cost is within 20% of the cost for an equivalent product made of non-recycled materials? (Majority vote required)

Moved by Mary Louise Woolsey, seconded by Michael Plouffe, to open Article 47 for discussion.

Mary Louise Woolsey spoke in favor of Article 47.

Fred Rice spoke in favor of Article 47.

No further discussion. The article will be on the ballot as written.

Moved by Mary Louise Woolsey, seconded by Richard Bateman, to waive reading of article 48.

**Results of Balloting on March 10, 2009**

Yes 979

No 1586

**The article failed.**

Article 48

Upon Petition of Frederick Rice, Brian Warburton, Mary Louise Woolsey and more than 25 other registered voters, shall the Town of Hampton adopt the following Ordinance? (Majority vote required)

**PUBLIC EVENT RECYCLING ORDINANCE**

In accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 31, Section 39 authorizing the Town of Hampton to enact bylaws, the following Ordinance is adopted by the Annual Town Meeting.

**Section 1. Purpose.**

The Annual Town Meeting of the Town of Hampton ordains that it is in the public interest and hereby establishes that it is public policy to require the recycling of selected materials at all public gatherings.

**Section 2. Recycling of Recyclable Beverage Containers Required.**

Any indoor or outdoor public event or gathering of more than twenty-five persons within the Town of Hampton shall be required to place containers in prominent view for the collection and recycling of glass, aluminum and plastic beverage containers.

**Section 3. Number and Type of Containers.**

The number and type of containers required shall be sufficient to accommodate the total volume of recyclable beverage containers offered for consumption at the event or gathering in question.

**Section 4. Signage Required.**

Recycling containers shall be conspicuously marked so that they can be easily located by all attendees, and to identify them as being for recycling only and not for waste disposal.

**Section 5. Commercial Establishments.** Commercial establishments such as bars and restaurants that sell beverages on their premises may elect to collect all recyclable cans and bottles in centralized containers out of the public view provided that no recyclables can otherwise enter the solid waste stream from that establishment.

**Section 6. Disposal of Recyclable Materials.**

Sponsors of the public event or gathering, or proprietors of commercial establishments, as appropriate, shall be responsible for proper disposal of recyclable materials collected under this ordinance either at curbside, at the Town recycling facility or by other means as designated and authorized by the Town.

## **Section 7. Penalties.**

In accordance with the provisions of RSA 149-M:17,II,(b) any person or group who violates the provisions of this Ordinance shall be subject to a fine of \$100 for the first offense, \$200 for a second offense and \$500 for any subsequent offense, to be issued in the form of a summons and notice of fine as provided in RSA 502-A:19-b. Such summons shall be issued by the Town Manager, the Director of Public Works or the Building Inspector as the enforcing officers for the Board of Selectmen.

Moved by Fred Rice Seconded by Mary Louise Woolsey to open Article 48 for discussion.

Fred Rice gave an overview of Article 48 specifically mentioning the difference between last year's and this year's Rotary Club of Hampton's Pizza Bowl. This year there were octagonal recycling cylinders.

John Nyhan – 4 Penniman Lane – spoke in favor of Article 48 mentioning the recycling which took place at the Seafood Festival.

No further discussion. The article will be on the ballot as written.

## **Results of Balloting on March 10, 2009**

**Yes 1891**

No 620

**The article passed.**

## Article 49

Upon Petition of Frederick Rice, Brian Warburton, Mary Louise Woolsey and more than 25 other registered voters.

Shall the Town vote to establish a Recycling Education Fund pursuant to RSA 31:95-h, I(b)? (Majority vote required)

The money received from fines and fees for non-compliance with the Town's Public Event Recycling Ordinance and Solid Waste Ordinance shall be allowed to accumulate in this fund from year to year, and shall not be considered part of the Town's general fund unreserved fund balance. The Town Treasurer shall have custody of all monies on the Fund, and shall pay out the same only upon order of the Town Manager (no further Town meeting approval required). These funds may be expended only to provide, improve or enhance programs and efforts to educate the public on the advantages and reasons to promote and practice recycling. Adoption of this article will create no increase in the Town's tax rate, and may actually reduce the tax rate if resulting recycling reduces the cost to the Town of Solid Waste disposal.

Moved by Fred Rice, seconded by Mary Louise Woolsey, to open Article 49 for discussion.

Fred Rice gave an overview of Article 49 and spoke in favor thereof. Moved by Fred Rice, seconded by Mary Louise Woolsey, to amend by removing “31:95h, 1(b)” and replacing with “31:95h, 1(a)”,

Vote taken on Rice amendment. The Rice amendment passed.

Moved by John Nyhan, no second, amendment failed.

No further discussion. The article will be on the ballot as amended.

Moved by James Workman, seconded by Richard Bateman, to restrict reconsideration of Articles 47-49.

Motion passed.

**Results of Balloting on March 10, 2009**

Yes 1008

**No 1537**

**The article failed.**

Article 50

Shall the Town of Hampton vote to authorize the Board of Selectmen, pursuant to RSA 31:19, to accept without further action by the Town, gifts, legacies and devises made to the Town to be held in trust for the establishment, maintenance, and care of libraries, reading-rooms, schools, and other educational facilities, parks, cemeteries, and burial lots, the planting and care of shade and ornamental trees upon their highways and other public places, and for any other public purpose that is not foreign to their institution or incompatible with the objects of their organization, such authority to continue indefinitely until rescinded by a future vote of an annual or special town meeting? (Majority vote required)

Moved by Michael Pierce, seconded by William Lally, to open Article 50 for discussion.

Michael Pierce asked aren't we already covered?

Mark Gearreald advised we are not covered per DRA. This article gets to the point of trust funds, and anticipated monies.

Arthur Moody advised this takes power away from town meeting and spoke against Article 50.

No further discussion. The article will be on the ballot as written.

**Results of Balloting on March 10, 2009**

**Yes 1329**

No 1181

**The article passed.**

### Article 51

By petition of twenty-five registered voters.

Shall the Town of Hampton, if any or all of the six collective bargaining agreements are defeated or do not appear on the 2009 Warrant (Article XX, Police Officers; Article XX, Police Sergeants; Article XX Public Works Employees; Article XX, Teamsters; Article XX, Firefighters; and/or Article XX, Fire Officers), authorize the governing body to call one special town meeting, at its option, to address the cost items only of the defeated or absent said article or articles? (Majority vote required)

#### **Not recommended by the Board of Selectmen**

Fiscal Impact Note (Finance Dept.): The estimated cost of a special meeting is \$8,000 with the 2009 tax rate impact of \$0.0026 per \$1,000 valuation (twenty-six tenths of one cent per thousand dollars of valuation).

Reminded voters that we will be voting at WHS Gymnasium at Tuesday, March 10 7am – 8 pm...a new location

Moved by Michael Pierce, seconded by Victor DeMarco, to open Article 51 for discussion.

Mary Louise Woolsey inquired as to recommendation of Board of Selectmen. She stated that she is not aware that they are authorized or required to authorize a non-money article.

William Lally advised there is money involved.

The Moderator advised he is unable to put his fingers on the RSA which addresses this issue and deferred to Mark Gearreald.

Mark Gearreald advised it does not require it, but can do so if they wish.

Mary Louise Woolsey strongly objected to having the recommendation on the ballot.

Rusty Bridle agreed with Mary Louise Woolsey and hoped that the Board of Selectmen would ratify the contracts with the unions and that the unions deserve the respect of getting this passed at a special town meeting.

Michael Pierce agreed with Board of Selectmen.

Arthur Moody asked if it only referred to Board of Selectmen articles.

Mark Gearreald believes it goes beyond.

Fred Rice agrees with Mary Louise Woolsey and stated he believes we have to negotiate in good faith with the employees who serve us. He stated he believes we need to leave it open to come



together. Moved by Fred Rice to strike “Not recommended by the Board of Selectmen.” No second.

Victor DeMarco asked let’s assume this article passes, wouldn’t there still have to be a vote by the general public, and dollar figures could be discussed at this special town meeting?

Fred Welch advised the same process would have to be followed as if it were a regular town meeting.

James Workman agreed with Mary Louise Woolsey.

Mark Gearreald advised where it is not a “raise and appropriate” article it should not have any form of recommendation on it. Suggesting that it is illegal to have it there before the fact of this meeting. What the Board of Selectmen did was to amend a petitioned article before the town meeting took place.

The Moderator asked the Board of Selectmen on advice of counsel to remove and delete the recommendation from the article. William Lally advised it should be removed and the rest of the Board of Selectmen concurred.

Mark Gearreald advised the article is seeking to address bargaining agreements that are not on the warrant. There are six unions listed in Article 51, but only 3 union contracts on the warrant.

Mary Louise Woolsey asked “are these warrant articles reviewed before being put on the article, and are the petitioners counseled as to how they should be written?” She stated she believes we should be consistent across the board.

No further discussion. The article will be on the ballot as written.

### **Results of Balloting on March 10, 2009**

Yes 648

**No 1892**

**The article failed.**

Moved by Arthur Moody, seconded by Rusty Bridle, to adjourn. Motion passed.

Deliberative Session was adjourned at 6:45 pm.

Respectfully submitted this 24th day of March, 2009.

Jane M. Cypher  
Hampton Town Clerk